

USE REGULATIONS BY ZONING DISTRICT
10 April 2018

§ 250-4.1 **Permitted and prohibited uses.**

- A. No building or structure shall be constructed and no building, structure or land, or part thereof, shall be used for any purpose or in any manner other than:
- (1) One principal permitted use, except as hereinafter provided;
 - (2) A use permitted by special permit from the Zoning Board of Appeals or the Planning Board;
 - (3) An accessory use allowed in Residential and Outlying Districts;
 - (4) A residential use in the Retail Commercial and the Commercial District, which shall comply with § **250-5.1D(1)**.
- B. Any use not specifically listed or otherwise permitted in a district herein established shall be deemed prohibited. All residential development of 10 or more units permitted pursuant to the Subdivision Control Law (MGL Chapter 41), the Lunenburg Zoning Bylaw planned residential area (§ **250-5.5**), and the Lunenburg Zoning Bylaw mixed residential development (§ **250-5.4**), in all districts shall "set aside" dwelling units for low- or moderate-income persons and families as defined by the Massachusetts Department of Housing and Community Development (DHCD) and said set-aside dwelling units shall qualify for the DHCD subsidized housing inventory for the Town of Lunenburg and shall count toward the mandate of the housing inventory threshold set in MGL Chapter 40B.
- (1) A development containing 10 or more units shall set aside 10% of the units as moderate- or low-income units. A development containing 36 or more units shall set aside 15% of the units as moderate- or low-income units. The set-aside units shall conform to the zoning requirements of the zone in which the units shall be built. The set-aside units may be developed as sale or rental units. All partial units under this formula will be rounded to the next highest number.
 - (2) The following conditions will prevail:
 - (a) The low- or moderate-price set-aside units shall be dispersed within the site.
 - (b) The exterior and interior quality and appearance of the set-aside units shall be the same as the market-price units.
 - (c) The set-aside units shall be made available to qualified low- and moderate-income persons or families in perpetuity. The Lunenburg Housing Authority will determine the qualified persons or families and will administer the process through a lottery.
- C. Nothing in this bylaw shall prohibit, regulate or restrict the use of land or structures in any district for the following uses:
- (1) Religious purposes or for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a nonprofit educational corporation, except as provided in MGL c. 40A, § 3, as amended.
 - (2) Agriculture, horticulture, floriculture and viticulture, provided that such uses shall be limited to parcels of land containing at least five acres.

- (3) Activities accessory to activities otherwise permitted within the district as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production, whether or not on the same parcel as activities permitted as a matter of right, subject to the provisions of § **250-8.3**. for a special permit.

D. Uses permitted in all districts:

- (1) Cemeteries.
- (2) Municipal buildings and uses.
- (3) Conservation areas for water, plants and wildlife and dams necessary for achieving this purpose, farming, including raising, harvesting and storing crops, truck gardening and grazing, orchards, nurseries, forest and tree farms and areas for horticulture and floriculture, but not including fur farms or piggeries, provided that:
- (a) Equipment necessary for these uses is normally stored in an enclosure.
- (4) Small wastewater treatment facilities which shall be designed and operated in accordance with the Lunenburg Planning Board regulations for the design, operation and maintenance of small wastewater treatment facilities and sewage pumping stations contained in the Rules and Regulations Governing the Subdivision of Land, provided that:
- (a) The location of such plants shall be shown on a development plan approved by the Planning Board in accordance with § **250-8.4**.
- (b) The facility shall be located on a lot in conformance with the dimensional regulations in § **250-5.1** for the district in which it is located or as approved on a special permit granted under § **250-5.5**, Planned residential area.
- (c) No construction shall be undertaken prior to review, approval and granting of a disposal works construction permit by the Board of Health.
- (d) Communal sewage or wastewater disposal or treatment systems.
- [1] In view of the high vulnerability of Lunenburg's wetlands, water absorption areas, water-bearing bedrock fissures, groundwater supply and individual or private wells to pollution and contamination from sewage or wastewater disposal within the Town of Lunenburg, it is important, in order to protect the drinking water, the public health and the environment, that any communal or central sewage or wastewater disposal or treatment plants or systems which may be built in Lunenburg shall be constructed, owned, operated, monitored, maintained, repaired and replaced by the Town rather than by private individuals, associations or other private entities, since such plants or systems typically handle substantial amounts of sewage, require frequent monitoring, have a useful life far shorter than that of the building they serve and pose a substantially greater threat to pollution or contamination of wetlands, water absorption areas, groundwater and wells in the event of malfunction or failure than do the smaller individual systems serving individual homes.
- [2] For these reasons and to carry out the intent and purposes stated elsewhere in this subsection and the "Purpose" section (§ **250-1.1**), the use of privately constructed or privately owned, operated and maintained communal sewage or wastewater disposal or treatment systems, facilities or plants with capacity in excess of 14,999 gallons per day, serving two or more main buildings for commercial or residential use (other than institutional use) is prohibited pursuant to Massachusetts General Laws Chapter 40A (the Zoning Act), Article II, Sections I through IX of the Amended Massachusetts

Comment [1]: Editor's Note: See Ch. 325, Subdivision Regulations, § 325-4.11.

Constitution (known as the "Home Rule Amendment"), and other provisions of the law. A building permit shall not be issued for a building to be served by such a privately constructed or privately owned, operated or maintained communal system or plant.

- (5) Child-care facilities, as defined by MGL c. 15D, § 1A, as a "child-care center" or "school-aged child care program" but not "family child-care home," provided that:
 - (a) If the proposed day-care facility requires four or more parking spaces, the site to be used shall be shown on a development plan prepared by the applicant and approved by the Planning Board in accordance with those parts of § **250-8.4** deemed applicable by the Planning Board based on the scale of the application.
 - (b) The lot area shall conform to the area requirements contained in § **250-5.1** or, if none is prescribed for the district in which it is located, or if it is a legal nonconforming lot, the area shall be a minimum of 20,000 square feet.
 - (c) The building used for the purpose conforms to all dimensional regulations contained in Article **V** which are applicable in the district in which it is located and to all requirements of Article **VI** pertaining to off-street parking and loading areas, lot monuments, land, driveways and entrances, signs and performance standards, and further provided that buildings, structures, driveways, walkways, parking areas and other impervious surfaces shall not cover more than 20% of the total lot area on which the facility is located.
 - (d) No building or structure shall exceed 35 feet in height in Residence A, Residence B, Outlying, Recreation or Limited Business Districts and shall not exceed 35 feet in height elsewhere unless shown on the development plan and approved by the Planning Board.
 - (e) With the exception of a driveway and walkway, no required front yard shall be paved or used for the purposes of the child-care facility.
 - (f) Parking areas and play areas shall be located behind the setback line in the side or rear of the building used for a child-care facility and shall be screened from abutting residences in the same manner as is required in the second sentence of § 250-6.6Q(1).
 - (g) Any new or remodeled structure shall be designed to be compatible with the character of the neighborhood in which it is located.
 - (h) In addition all requirements of § **250-8.4**:
 - [1] A traffic impact statement form designated by the Planning Board will be completed and submitted to the Planning Board, which will determine whether a traffic study prepared by a registered engineer will be required.
 - [2] The Planning Board shall be satisfied that there is safe access and ingress and egress to and from the site, as provided in Article **VI** and § **250-8.4**.
- E. Prohibited uses.
 - (1) Uses prohibited in all districts:
 - (a) Nonpermanent residential structures, trailers and mobile homes [except in an existing mobile home park or as provided for in § **250-4.2A(14)**], but not including recreational vehicles which are parked for a limited time as approved by the Building Commissioner.

- (b) Nonpermanent business structures, such as trailers, trucks, storage boxes, open-air stands and carts used for office space, retail space, wholesale storage, except for an accessory use as permitted in §§ **250-4.6C(1)(l)** and **250-4.7B(2)(d)**.
- (c) Storage of explosive materials, except in accordance with the provisions of § **250-6.6A(1)**.
- F. Small wind energy systems (SWES) and commercial wind energy systems (CWES); uses permissible by development plan review granted by the Planning Board.
- (1) Small wind energy system (SWES) in any district on a lot of one acre or more, subject to the provisions of § **250-6.6F(2)**.
- (2) Commercial wind energy system (CWES) on Town-owned property or on 10 acres.

G. Use Table¹

RA = Residence A District

RB = Residence B District

O = Outlying District

LB/R = Limited Business/Residential

District

C = Commercial District

OP/I = Office Park and Industrial

District

R = Recreation

District

VCD = Village Center District

SS = Summer Street Revitalization Overlay

District

TT = Tri Town Smart Growth

District

W = Whalom Overlay

District

Y = Yes

= No

SP-PB = Special
Permit

SP-Z = Special Permit
ZBA

Planning Board

<u>4.1D</u>	<u>USES PERMITTED IN ALL</u> <u>DISTRICTS</u>	<u>RA</u>	<u>RB</u>	<u>O</u>	<u>LB/R</u>	<u>C</u>	<u>OP/I</u>	<u>R</u>	<u>VCD</u>	<u>SS²</u>	<u>TT²</u>	<u>W²</u>
<u>4.1.D.(1)</u>	<u>Cemeteries</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
<u>4.1.D.(2)</u>	<u>Municipal Uses</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
<u>4.1.D.(3)</u>	<u>Conservation Areas</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
<u>4.1.D.(4)</u>	<u>Small Wastewater</u> <u>Treatment Facilities</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
<u>4.1.D.(5)</u>	<u>Child Care Facilities</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
<u>4.1.H</u>	<u>RESIDENTIAL USES</u>	<u>RA</u>	<u>RB</u>	<u>O</u>	<u>LB/R</u>	<u>C</u>	<u>OP/I</u>	<u>R</u>	<u>VCD</u>	<u>SS</u>	<u>TT</u>	<u>W</u>
<u>4.1H.(1)</u>	<u>Accessory Dwelling</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>Y</u>	<u>=</u>	<u>=</u>	<u>RA-Y</u>
<u>4.1H.(2)</u>	<u>Boarding House</u>	<u>SP-Z</u>	<u>SP-Z</u>	<u>SP-Z</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>RA-SP-PB</u>
<u>4.1H(3)</u>	<u>Multi-Family Dwelling</u>	<u>SP-Z</u>	<u>SP-Z</u>	<u>SP-Z</u>	<u>SP-Z</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>SP-Z</u>	<u>=</u>	<u>Y</u>	<u>RA-SP-PB</u>
<u>4.1H(4)</u>	<u>Single Family Dwelling</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>SP</u>	<u>=</u>	<u>=</u>	<u>RA-Y</u>
<u>4.1H(5)</u>	<u>Two Family Dwelling</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>=</u>	<u>=</u>	<u>Y</u>	<u>SP</u>	<u>=</u>	<u>=</u>	<u>RA-Y</u>
<u>4.1H(6)</u>	<u>Townhouse</u>	<u>SP-Z</u>	<u>SP-Z</u>	<u>SP-Z</u>	<u>SP-Z</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>SP-PB</u>

4.1I	INSTITUTIONAL USES	RA	RB	Q	LB/R	C	OP/I	R	VCD	SS	TT	W
4.1I(1)	Assisted Living	-	-	-	SP-Z	SP-Z	-	-	-	SP-Z	-	C- SP- PB
4.1I(2)	Charitable Institution	SP-Z	SP-Z	SP-Z	SP-Z	Y	-	Y	SP-Z	Y	-	RA- SP- PB
4.1I(3)	Church	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1I(4)	Educational Use	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1I(5)	Hospital	SP-Z	SP-Z	SP-Z	-	SP-Z	-	-	-	-	-	RA- SP- PB
4.1I(6)	Government Building	Y	Y	Y	Y	Y	Y	Y	Y	Y	-	Y
4.1I(7)	Public Utility	SP-Z	SP-Z	SP-Z	SP-Z	Y	Y	SP-Z	Y	Y	-	RA- SP- Z/C- Y
4.1I(8)	Water Supply	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	RA-Y
4.1J	RECREATIONAL USES	RA	RB	Q	LB/R	C	OP/I	R	VCD	SS	TT	W
4.1J(1)	Outdoor Entertainment	-	-	-	-	Y	Y	Y	-	Y	Y	RA-Y
4.1J(2)	Indoor Entertainment	-	-	-	-	Y	Y	-	SP-Z	Y	-	C-Y
4.1J(3)	Golf Course	-	-	SP-Z	-	-	-	Y	-	-	-	-
4.1J(4)	Private Club	SP-Z	SP-Z	SP-Z	SP-Z	-	-	-	SP-Z	SP-Z	-	C- SP-Z
4.1J(5)	Private Camp	-	-	SP-Z	-	-	-	Y	-	-	-	-
4.1K	COMMERCIAL USES	RA	RB	Q	LB/R	C	OP/I	R	VCD	SS	TT	W
4.1K(1)	Adult Use	-	-	-	-	SP-Z	-	-	-	SP-Z	-	C- SP-Z
4.1K(2)	Auction House	-	-	-	SP-Z	Y	-	-	-	Y	-	C-Y
4.1K(3)	Bed & Breakfast	SP-Z	SP-Z	SP-Z	Y	-	-	-	Y	-	-	C- SP-Z
4.1K(4)	Drive-in Theater	-	-	-	-	SP-Z	-	-	-	-	-	C- SP-Z
4.1K(5)	Hotel	-	-	-	-	SP-Z	-	-	-	-	-	C- SP-Z
4.1K(6)	Laundry Service	-	-	-	SP-Z	Y	-	-	-	Y	-	C-Y
4.1K(7)	Liquor Store	-	-	-	SP-Z	Y	-	-	SP-Z	Y	-	C-Y
4.1K(8)	Medical Clinic	-	-	-	SP-Z	Y	-	-	Y	Y	-	C-Y
4.1K	COMMERCIAL USES (cont'd)	RA	RB	Q	LB/R	C	OP/I	R	VCD	SS	TT	W
4.1K(9)	Mixed Use	-	-	-	Y	Y	-	-	Y	Y	-	-
4.1K(10)	Motel	-	-	-	-	Y	-	-	-	-	-	C-Y
4.1K(11)	Office Park	-	-	-	-	-	Y	-	-	-	-	-
4.1K(12)	Pawn Shop	-	-	-	SP-Z	Y	-	-	-	SP-Z	-	C-Y
4.1K(13)	Personal Improvement Service	-	-	-	SP-Z	Y	-	-	Y	Y	C-Y	-
4.1K(14)	Professional Office	-	-	-	SP-Z	Y	-	-	Y	Y	-	C-Y
4.1K(15)	Retail Establishment	-	-	-	Y	Y	-	-	Y	Y	-	C-Y
4.1K(16)	Restaurant	-	-	-	Y	Y	-	-	Y	Y	-	C-Y
4.1K(17)	Restaurant, Carry-Out	-	-	-	Y	Y	-	-	SP-Z	Y	-	C-Y
4.1K(18)	Service Establishment	-	-	-	Y	Y	-	-	-	Y	-	C-Y
4.1K(19)	Shopping Center	-	-	-	-	SP-Z	-	-	-	SP-Z	-	C- SP-Z

4.1L	HEAVY COMMERCIAL USE	RA	RB	Q	LB/R	C	OP/I	R	VCD	SS	TT	W
4.1L(1)	Auto Sales	-	-	-	-	SP-Z	-	-	-	SP-Z	-	-
4.1L(2)	Auto Repair Facility	-	-	-	-	SP-Z	-	-	-	SP-Z	-	C- SP-Z
4.1L(3)	Boat Service Yard	-	-	-	-	SP-Z	-	-	-	SP-Z	-	C- SP-Z
4.1L(4)	Car Wash	-	-	-	-	SP-Z	-	-	-	Y	-	C- SP-Z
4.1L(5)	Construction Sales & Service	-	-	-	-	Y	Y	-	-	SP-Z	-	-
4.1L(6)	Contractor Yard	-	-	-	-	SP-Z	Y	-	-	-	-	-
4.1L(7)	Equipment Sales	-	-	-	-	SP-Z	Y	-	-	SP-Z	-	C- SP-Z
4.1L(8)	Equipment Repair Service	-	-	-	-	SP-Z	Y	-	-	SP-Z	-	C- SP-Z
4.1L(9)	Fuel Service Station	-	-	-	-	SP-Z	-	-	-	SP-Z	-	C- SP-Z
4.1L(10)	Repair Shop	-	-	-	Y	Y	-	-	-	Y	-	C-Y
4.1L(11)	Trade Shop	-	-	-	-	Y	Y	-	-	Y	-	C-Y
4.1M	INDUSTRIAL USES	RA	RB	Q	LB/R	C	OP/I	R	VCD	SS	TT	W
4.1M(1)	Distribution	-	-	-	-	-	Y	-	-	-	-	-
4.1M(2)	Industrial Parks	-	-	-	-	-	Y	-	-	-	-	-
4.1M(3)	Manufacturing	-	-	-	-	-	Y	-	-	-	-	-
4.1M(4)	Research Establishment	-	-	-	-	-	SP-Z	-	-	-	-	-
4.1N	OTHER USES	RA	RB	Q	LB/R	C	OP/I	R	VCD	SS	TT	W
4.1N(1)	Agriculture	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1N(2)	Agricultural Sales & Service	SP-Z	SP-Z	SP-Z	SP-Z	Y	-	-	-	SP-Z	-	C-Y
4.1N(3)	Earth Removal	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
4.1N(4)	Kennel	SP-Z	SP-Z	SP-Z	-	SP-Z	-	-	-	-	-	C- SP-Z
4.1N(5)	Veterinary Hospital	SP-Z	SP-Z	SP-Z	-	SP-Z	-	-	-	-	SP	-
250-4.13	Large Solar Energy Systems	SP- PB	SP- PB	SP- PB	SP- PB	SP- PB	SP- PB	SP- PB	SP- PB	SP- PB	SP- PB	SP- PB
250-4.14	Registered Marijuana Dispensaries	SP- PB	SP- PB	SP- PB	SP- PB	SP- PB	SP- PB	SP- PB	SP- PB	SP- PB	SP- PB	SP- PB

1. Any use not defined or included in the Use Table shall be considered prohibited in all Districts.
2. In the Use Table those uses listed under the Overlay Districts are applicable only when using the provisions of the subject Overlay District. Otherwise, the existing underlying Zoning District and its allowed uses will apply.
3. For the purposes of the Use Table, uses defined in §§ 250-4.1 D-N shall control

H RESIDENTIAL USES:

(1) Accessory Dwelling: A secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or a detached dwelling unit on the same lot. The dwelling shall include a separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities. Given that it meets the following criteria:

(a) The primary building has at least twelve hundred (1200) square feet of floor area.

(b) The entire structure used for dwellings shall not occupy more than fifty (50) percent of the lot area.

- (c) There is at least one (1) off street parking space for each bedroom or efficiency apartment in the converted portion of the structure, which space shall be provided in conjunction with other parking facilities.
- (d) There is provision for screening by fencing or landscaping of outside storage areas.
- (e) No accessory unit shall have a floor area of less than five hundred (500) square feet plus one hundred (100) square feet for each bedroom over one (1).
- (f) The floor area of the accessory unit shall not be more than thirty (30) percent of the normally habitable floor area of a combination of the dwelling units, after conversion.
- (g) Each unit shall be a complete and independent housekeeping unit, containing a bedroom or bedroom/living room combination, bathroom and kitchen or kitchenette and shall have a separate entrance.
- (h) The exterior appearance of the structure shall not be altered except for:
 - [1] stairways and exits required by law,
 - [2] consistent with the original architecture of the structure.
- (i) The lot and all structures shall be owned in common and one (1) of the units shall be occupied by the property owner.
- (j) If the second unit is discontinued and integrated into the original structure design, the owner shall notify the Inspector of Buildings in writing.
- (k) No permit for accessory housing granted hereunder shall take effect sooner than one (1) year after occupancy of the primary dwelling, nor until the owner/petitioner records the authorization in the applicable Registry of Deeds at his own expense.
- (l) All permits for accessory housing must be secured before any construction is undertaken.
- (2) Boarding House: A single-family dwelling where more than two, but fewer than six rooms are provided for lodging for definite periods of times. Meals may or may not be provided, but there is one common kitchen facility. No meals are provided to outside guests.
- (3) Multi-Family Dwelling: A building consisting of not more than four dwelling units which are attached by common vertical walls and each unit having a separate or combined entrance or entrances.
- (4) Single Family Dwelling: A detached building on a single lot containing one dwelling unit, or a factory- assembled structure constructed to state building code standards.
- (5) Two-Family Dwelling: A residential structure designed to house a single-family unit from lowest level to roof, with a private outside entrance, but not necessarily occupying a private lot, and sharing a common wall adjoining dwelling units.
- (6) Town House: Single-family attached unit in structures housing three or more dwelling units, contiguous to each other only by the sharing of one common bearing or party wall; such structures are to be of the townhouse or rowhouse type as contrasted to multiple-dwelling apartment structures. No single structure shall contain in excess of five dwelling units and each dwelling unit shall have separate and individual front and rear entrances.

I INSTITUTIONAL USES

(1) Assisted Living: A special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living. A facility with a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, where the emphasis of the facility remains residential.

(2) Charitable Institution: Any entity which: (1) has been certified as a not-for-profit organizations under Section 501(c)(3) of the Internal Revenue code, and (2) has religious, charitable, or eleemosynary functions or is a religious or charitable organization. As used in this definition, a charitable organization is an organization which exclusively, and in a manner consistent with existing laws and for the benefit of an indefinite number of persons, freely and voluntarily ministers to the physical, mental, or spiritual needs of persons, and which thereby lessens the burdens of government.

(3) Church: A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.

(4) Educational Use: Use of land or a building or buildings as or for an institution not for profit but for the establishment and maintenance of a public or private college, secondary, elementary, trade or vocational school or other educational institution for the academic instruction and cultivation of the mind and/or the inculcation of a clearer sense of moral and spiritual values.

(5) Hospital: An institution, licensed by the state department of health, providing primary health services and medical and/or surgical and/or mental health care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

(6) Government Building: Any building held, used, or controlled exclusively for public purposes by any department or branch of government, state, county, or municipal, without reference to the ownership of the building or of the realty upon which it is situated. A building belonging to or used by the public for the transaction of public or quasi-public business.

(7) Public Utility: All lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and includes facilities for the generation of electricity. Facilities shall be licensed by the Department of Public Utilities (DPU).

(8) Water Supply: A system for the provision to the public of piped water for human consumption if the system serves 15 or more service connections or which regularly serves 25 or more individuals. The term includes: (a) any collection, treatment, storage, or distribution facility under control of the operator of the system and used primarily in connection with the system; and (b) any collection or pretreatment storage facility not under the control of the operator of the system which is used primarily in connection with the system.

J RECREATION USES

(1) Outdoor Entertainment: Any establishment whose main purpose is to provide the general public with an amusing or entertaining activity and where tickets are sold or fees are collected for the activity. Includes, but not limited to, skating rinks, water slides, miniature golf courses, arcades, bowling alleys,

and billiard halls, but not movie theaters.

(2) Indoor Entertainment: An establishment providing completely enclosed recreation activities. Accessory uses may include the preparation and serving of food or the sale of equipment related to the enclosed uses. Included in this definition shall be bowling, rollerskating or ice-skating, billiards, pool, motion picture theaters, and related amusements.

(3) Golf Course: A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restaurant, golf-related retail, restrooms, driving range, and shelters as accessory uses.

(4) Private Club: A facility open only to bona fide members and guests of the private organization operating the facility. This includes recreational centers for the exclusive use of members and their guests with facilities that may include swimming pools and/or tennis courts, but specifically excluding golf courses.

(5) Private Camp: Land under single ownership and management having tents, buildings, or other shelters (not including recreational vehicles or mobile homes) for recreational or educational purposes and accommodating four or more people for two or more days, or portions thereof.

(6) Recreation: The refreshment of body and mind through forms of play, amusement, or relaxation. The recreational experience may be active, such as boating, fishing, and swimming, or may be passive, such as enjoying the natural beauty of the shoreline or its wildlife.

K COMMERCIAL USES

(1) Adult Use: Adult uses, as defined by Section 9A of Chapter 40A, provided that:

(a) All buildings containing adult uses are at least two hundred fifty (250) feet from an existing residence, school or place of worship and are at least five hundred (500) feet from an existing Residential or Outlying District boundary.

(b) All parking is in the rear of the setback line and is screened from view of abutting properties.

(c) All signs shall be approved by Development Plan Review and the Planning Board shall review the size, location, number, design, color and content to determine a public nuisance or be incompatible with the character of the community and, as to content, to determine only that the sign or signs are not obscene.

(d) All requirements of Section 9A of Chapter 40A are met including that no Special Permit is granted to a person (s) who have been convicted of violating the provisions of Section 63 of Chapter 119 or Section 28 of Chapter 272 of MGL.

(e) The Board of Selectmen may require that a security guard be on the premises during all or some hours of operation.

(2) Auction House: A building, area, or areas within a building used for the public sale of goods, wares, merchandise, or equipment to the highest bidder. This definition excludes therefrom an auction, the principal purpose of which is the sale of livestock or motor vehicles.

(3) Bed & Breakfast: Bed and Breakfast, or Bed and Breakfast Establishment provided that:

(a) The use complies with the Commonwealth's [MGL 64b Section 1 (a) and/or (b)]definition of Bed

and Breakfast, or Bed and Breakfast Establishment provided the dwelling is owner occupied.

(b) The lot conforms to all dimensional requirements of the Zoning Bylaw.

(c) Parking for each room available for rent is provided in the side yard behind the setback line or in the rear yard, but not nearer than ten (10) feet to any property line. One (1) parking place shall be provided for each bedroom.

(d) The outside appearance of the building is not altered except to comply with the Building Code.

(4) Drive-in Theater: An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures on a paid admission basis to patrons seated in automobiles, this does not include Adult Theaters.

(5) Hotel: An establishment providing, for a fee, sleeping accommodations, which are generally accessed through a lobby, corridor or internal hallway and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. Related ancillary uses may include but shall not be limited to conference and meeting rooms, restaurants, bars, and recreational facilities.

(6) Laundry Service: A business that provides washing, drying, and/or ironing services for a fee or machines for hire to be used by customers on the premises.

(7) Liquor Store: Any business selling general alcoholic beverages, including distilled spirits or hard liquor, beer, wine and malt beverages for off-premises consumption.

(8) Medical Clinic: A facility operated by a collected group of physicians, dentists, chiropractors or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis. This is contrasted with an unrelated group of such offices.

(9) Mixed Use: A combination of commercial and residential uses within a single building or lot. In the case of uses that require a Special Permit, a Zoning Board of Appeals decision must be rendered on the use prior to filing for Planning Board Site Plan Approval.

(10) Motel: A building or series of buildings in which lodging is offered for compensation, and which is distinguished from a hotel primarily by reason of providing direct independent access to, and adjoining parking for, each rental unit.

(11) Office Park: A development on a tract of land that contains a number of separate businesses, offices, light manufacturing facilities, accessory and supporting uses, and common open space designed, planned, and constructed on an integrated and coordinated basis.

(12) Pawn Shop: An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property.

(13) Personal Improvement Service: A business primarily providing instruction and/or facilities for dancing, martial arts, music instruction, physical exercise, fitness training, or other voluntary physical or mental health services not related to a medical diagnosis.

(14) Professional Office: Offices or studios of professional or service occupations or agencies which are characterized by low traffic and pedestrian volumes, lack of distracting, irritating, or sustained noise, and low density of building developments. This includes but is not limited to accountant, appraiser,

architect, engineer, insurance adjuster, landscape architect, lawyer, consultant, secretarial agency, bonding agency, real estate, mortgage or title agency, and investment agency.

(15) Retail Establishment: Sale or rental with incidental service of commonly used goods and merchandise for personal or household use but excludes those classified more specifically by definition.

(16) Restaurant: An establishment where food and/or beverages are prepared, served, and consumed, and whose principal method of operation includes one or both of the following characteristics: (1) customers are normally provided with an individual menu and served their food and beverages by a restaurant employee at the same table or counter where the items are consumed; or (2) a cafeteria-type operation where food and beverages generally are consumed within the restaurant building.

(17) Restaurant, Carry-Out: A restaurant where food, frozen dessert, or beverages are primarily sold in disposable packaging, ready-to-consume, and is intended for ready consumption by the customer on or off the premises.

(18) Service Establishment: Any establishment whose primary activity is the provision of assistance, as opposed to products, to individuals, business, industry, government, and other enterprises.

(19) Shopping Center: A single piece of real estate containing more than three commercial establishments and a total business space of more than 5,000 square feet planned, constructed, and managed as a total entity with customer and employee parking provided on site.

L HEAVY COMMERCIAL USES

(1) Auto Body Shop: Activities involving the repair, painting, or undercoating of the body or frame of vehicles. Body and frame repair does not include mechanical engine or power train repair.

(2) Auto Repair Facility: Any building, structure, improvements, or land used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including but not limited to body, fender, muffler, or upholstery work, oil change and lubrication, painting, tire service and sales, or installation of remote start, car alarms, and/or stereo equipment.

(3) Boat Service Yard: Facility (which could include a boat repair garage, boat storage yard) where boats are repaired and stored until repairs are completed.

(4) Car Wash: Mechanical facilities for the washing and/or waxing and/or detailing of private automobiles, light trucks and vans. The use of personnel for one or more phases of this operation in conjunction with or without complete automatic or mechanical devices does not alter its classification and coin-operated devices operated on a self-service basis shall be construed to be the same. This definition is not applicable to fleet vehicle and truck wash facilities not open to the public.

(5) Construction Sales and Service: Establishments or places of business primarily engaged in retail or wholesale sale, from the premises, of materials and light equipment used in the construction of buildings, landscape features or other structures, but specifically excluding automobile or heavy equipment supplies, sales and rentals.

(6) Contractor Yard: Any land or buildings housing the offices of and used for the storage of equipment, vehicles, machinery (new or used), building materials, paints, pipe, or electrical components used by the owner or occupant of the premises in the conduct of any building trades or building craft.

(7) Equipment Repair Service: Establishments primarily engaged in the repair of tools, trucks, tractors, construction equipment, agricultural implements, and similar industrial equipment. Included in

this use type is the incidental storage and/or sale of such pre-owned equipment.

(8) Equipment Sales: Establishments primarily engaged in the sale or rental of tools, trucks, construction equipment, and similar industrial equipment. Included in this use type is the incidental storage, maintenance, and servicing of such equipment.

(9) Fuel Service Station: That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Such an establishment may offer for sale at retail other convenience items as a clearly secondary activity, repair service, and may also include a freestanding automatic car wash.

(10) Outdoor Storage/Display: An outdoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising or identifying a business, product, or service.

(11) Repair Shop: Establishments primarily engaged in the provision of repair services to individuals but excluding automotive and equipment repair use types. Typical uses include appliance repair shops, shoe repair, watch or jewelry repair shops, or repair of musical instruments.

(12) Trade Shop: Building or portion of a building used to conduct the business of a carpenter, cabinetmaker, electrician, painter, paperhanger, plumber, printer, sign painter, upholsterer or similar tradesman or artisan.

M INDUSTRIAL USES:

(1) Distribution: Storage, wholesale, and shipment or movement of manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazards or conditions commonly recognized as offensive.

(2) Industrial Parks: A planned, coordinated development of a tract of land with two or more separate lots or industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design, orientation, and open space.

(3) Manufacturing: The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials including but not limited to oils, plastics, resins, etc., which by the nature of the materials, equipment, and process utilized are not objectionable by reason of odor, radiation, noise, vibration, gas fumes, dust, smoke, refuse matter or water-carried waste.

(4) Research Establishment: Laboratories or other facilities that perform research, development, and testing but whose activities do not involve the mass manufacture, fabrication, processing, or sale of products. Such uses shall not violate any odor, dust, smoke, gas, noise, radiation, vibration, or similar pollution standard.

N OTHER USES:

(1) Agriculture: Activities including but not limited to

(a) Farming in all its branches and the cultivation and tillage of the soil

(b) Dairying

(c) Production, cultivation, growing and harvesting of any agricultural, floricultural, viticulture or

horticultural commodities

(d) Growing and harvesting of forest products upon forest land and any other forestry or lumbering operations

(e) Keeping and raising of livestock, horses, poultry, swine, cattle sheep, ratites (such as emus, ostriches, rheas) and camelids (such as llamas and alpacas) and other domesticated animals for food or other agricultural purpose, including bees and fur bearing animals.

(2) Agriculture Sales and Service: A use primarily engaged in the sale or rental of farm tools and implements, feed, grain, tack, animal care products, farm supplies, agricultural machinery, equipment, and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming and ranching. This includes food sales and farm machinery repair services that are accessory to the principal use.

(3) Earth Removal: The removal, extraction, excavation, fill, or grading for any purpose of soil, sand, shell, limestone, dolomite, gravel, ore, rock, clay, peat, or any material by whatever process.

(4) Kennel: The boarding, breeding, raising, grooming, or training of two or more dogs, cats, or other household pets of any age not owned by the owner or occupant of the premises, and/or for commercial gain.

(5) Veterinary Hospital: Any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal health conditions wherein the animals are limited to dogs, cats, or other comparable household pets and wherein the overnight care of said animals is prohibited except when necessary in the medical treatment of the animal.

250-4.2 Residential & Outlying Districts

A. Accessory Uses:

(1) Temporary placement of a mobile home or trailer for temporary use as a dwelling notwithstanding provisions herein contained to the contrary, provided, however:

(a) Such use is necessary to provide housing for occupants of a dwelling house (exclusive of a summer camp) which has recently been rendered uninhabitable by fire or other disaster,

(b) The dwelling was being continuously used as a dwelling at the time of disaster and the Building Commissioner has determined after examination that the dwelling house is uninhabitable without immediate and substantial repairs.

(c) Such temporary use of the premises shall not exceed one (1) year from the date of the granting of the permit, but application for an extension of the time may be made to the Building Official who shall be governed by the same provisions as in the granting of the original permit, so far as applicable, provided no extension shall extend such use beyond two (2) years from the original granting of such permit.

(d) Mobile homes and trailers used as temporary owner living quarters during construction of a permanent home shall be permitted only after the building permit and other required permits for the permanent structure have been issued, and a temporary permit has been granted by the Building Official, which temporary permit shall be granted only for a determined length of time up to, but not more than one (1) year.

(2) The raising or keeping of poultry, saddle horse(s), livestock or other farm animals for non-commercial use on properties that are not exempt under the General Laws Chapter 40A Section 3.

(3) Tool shed, playhouse, tennis/basketball court, boat house or other structure for domestic use; private garage for motor vehicles, but not including more than one (a) commercial vehicle used for a commercial enterprise or more than one (1) school bus or farm vehicles.

(4) The use of a room or rooms, in a dwelling or building accessory thereto by a resident of the premises as an office, studio or workroom for a home occupation, provided that:

(a) Such use is clearly incidental and secondary to the use of the premises for dwelling purposes.

(b) Not more than two (2) persons other than residents of the premises are regularly employed thereon in connection with such use.

(c) No stock in trade is regularly maintained, except for products of the occupation itself or for goods or materials which are customarily stored, used or sold incidental to its performance.

(d) From the exterior of the building so used, there is not visible any display of goods or products, storage of materials or equipment, regular parking of commercial vehicles or any other exterior indication that the premises are being utilized for any purpose other than residential (except for an accessory sign).

250-4.3 Recreation District:

A. Special Conditions & Design Standards:

(1) Night lighting of parking areas shall be directed downward, not affect abutting properties and be Dark Sky Compliant.

(2) Landscaped or naturally vegetated buffers shall be provided along the periphery of the property.

(3) Outdoor facilities which generate noise, such as swimming pool or a shooting range, shall be located and buffered so as not to be a nuisance and an unenclosed pool, if any, shall be set back from any public street at least two hundred (200) feet.

(4) Natural features shall be preserved to the maximum extent practicable.

(5) Stone walls and man-made features which improve or contribute to the character of the area shall be maintained where possible.

(6) Service areas shall be screened from active recreation areas.

(7) Reasonable mitigation measures shall be taken to address traffic, parking and safety (including road safety) concerns posed by the proposed development. The Planning Board will review measures during Site Plan Approval as deemed necessary.

(8) There shall be more than one (1) means of access.

(9) All residents of the Town shall be eligible for membership.

(10) In the case proposed proposal is adjacent to a Planned Residential Area, special care will be taken to coordinate the development with the Planned Residential Area.

(11) Maximum capacity limitations shall be established by the Licensing Authority for accessory facilities, including restaurants and function rooms, after recommendations from appropriate Town

Boards, including (but not necessarily limited to) the Planning Board, Board of Health, Fire Chief, Building Official and Police Chief. Maximum capacity limitations shall be based on, but not limited to, the following criteria, but in no case shall exceed two hundred (200) persons; provision for adequate off-street parking in accordance with Section 250-6.1 of this Code of Lunenburg; provision for adequate wastewater disposal; provision for adequate refuse disposal provision for crowd control and security; and no adverse impact on adjacent uses.

(12) No more than ten (10) percent of the total lot area shall be covered by an impervious surface.

250-4.4 Limited Business/Residential District:

A. Accessory Uses:

(1) Function Facility, allowed only as an accessory to Bed & Breakfast, Hotel, Farm, and Restaurant uses, to serve as a facility for meetings and other functions to include reception, dinners, weddings and business and civic meetings and similar social affairs and further provided that:

(a) The building is located on a lot of at least two (2) acres.

(b) The primary structure plus accessory buildings devoted to the use shall contain at least three thousand (3000) square feet of floor area.

(c) Additions to the floor areas, if any, shall not exceed fifty (50) per cent of the existing floor area and shall conform to the architectural style of the existing building.

(d) The number of persons attending events shall be determined by the maximum number allowed by Building Code, the Board of Health Regulations and/or the Sewer Commission Permit.

(e) The number of events in any calendar year shall be determined during the Site Plan Approval process.

(f) Anticipated parking shall be provided and parking of over fifty (50) vehicles may require a traffic policeman at the discretion of the Police Department.

(g) Outside lighting or music, if any, shall not extend beyond ten (10) PM and shall be limited in so far as possible to the property on which the use is located. No lighting shall be reflected into adjacent abutters' properties. The level of sound shall be no higher than 70 decibels at the property line or beyond.

(h) Tents or suitable enclosures to be used in connection with an event shall be located within the setback and shall be erected and removed within twenty-four (24) hours of the beginning and end of the event.

(2) Catering Service

(a) Kitchen and cooking facilities, allowed only as an accessory to Bed & Breakfast and Hotel and Restaurant uses. On the premise and off site catering must meet Board of Health Regulations and/or any other pertinent permitting requirement.

(b) Any vehicle identified for business used in connection with making catering deliveries must be garaged or parked in an in conspicuous location on the property, preferably the rear of the structure, if practicable.

(3) Any use allowed by right or special permit within the zoning district provided that:

(a) They are associated with the primary use of the property

(b) They comprise no more than thirty five percent (35%) of the gross floor area of the building.

(c) Any permissible Accessory Use that comprises greater than thirty five percent (35%) of the gross floor area may be allowed by Special Permit from the Zoning Board of Appeals.

(4) Drive Through Service may be allowed by Special Permit from the Planning Board in the Commercial and Office/Industrial Park Districts. In the approval of the Special Permit the Planning Board shall take the following items into consideration:

(a) The minimum space available for vehicles to queue on-site shall not be less than ten (10) cars.

(b) That the drive through service window be located on the side or rear of the building.

(c) The lane accessing the drive through service window shall not restrict other vehicular access around the building.

(4) Outdoor Storage/Display may be allowed by Special Permit from the Zoning Board of Appeals with the following conditions.

(a) All outdoor storage, excluding that specifically designated for display, shall be screened as to not be visible from abutting properties and/or the public right of way.

(b) Display may be permitted in areas visible from the public Right-of-Way and neighboring properties, provided it does not create a nuisance by the introduction of noise, vibration, dust or other physical or sensory impact on abutting properties.

(c) No storage or display shall be permitted within the required building setbacks.

(d) No storage or display shall be allowed in any area that would interfere with parking, loading, travel or pedestrian facilities that are required by law.

B. Special Conditions & Design Standards:

(1) The architectural style of the original structure shall not be altered and new construction shall be of a residential style consistent with the present residences.

(2) There shall be no drive-through window service.

(3) All parking shall be off-street, shall not be located within the required setback of the principal building or in an area approved in the Site Plan Review.

(4) There shall be no exterior storage, display or sales, without obtaining a Special Permit.

(5) There shall be no exterior structural evidence of the non-residential use of the structure, with the exception of signs conforming with the provisions of Section 250-6.5 of the Code of Lunenburg.

250-4.5 Commercial District:

A. Accessory Uses:

(1) Function Facility, allowed only as an accessory to Bed & Breakfast, Hotel, Farm, and Restaurant uses, to serve as a facility for meetings and other functions to include reception, dinners, weddings and business and civic meetings and similar social affairs and further provided that:

(a) The building is located on a lot of at least two (2) acres.

(b) The primary structure plus accessory buildings devoted to the use shall contain at least three thousand (3000) square feet of floor area.

(c) Additions to the floor areas, if any, shall not exceed fifty (50) per cent of the existing floor area and shall conform to the architectural style of the existing building.

(d) The number of persons attending events shall be determined by the maximum number allowed by Building Code, the Board of Health Regulations and/or the Sewer Commission Permit.

(e) The number of events in any calendar year shall be determined during the Site Plan Approval process.

(f) Anticipated parking shall be provided and parking of over fifty (50) vehicles may require a traffic policeman at the discretion of the Police Department.

(g) Outside lighting or music, if any, shall not extend beyond ten (10) PM and shall be limited in so far as possible to the property on which the use is located. No lighting shall be reflected into adjacent abutters' properties. The level of sound shall be no higher than 70 decibels at the property line or beyond.

(h) Tents or suitable enclosures to be used in connection with an event shall be located within the setback and shall be erected and removed within twenty-four (24) hours of the beginning and end of the event.

(2) Catering Service

(a) Kitchen and cooking facilities, allowed only as an accessory to Bed & Breakfast and Hotel and Restaurant uses On the premise and off site catering must meet Board of Health Regulations and/or any other pertinent permitting requirement.

(b) Any vehicle identified for business used in connection with making catering deliveries must be garaged or parked in an in conspicuous location on the property, preferably the rear of the structure, if practicable.

(3) Any use allowed by right or special permit within the zoning district provided that

(a) They are associated with the primary use of the property

(b) They comprise no more than thirty five percent (35%) of the gross floor area of the building.

(c) Any permissible Accessory Use that comprises greater than thirty five percent (35%) of the gross floor area may be allowed by Special Permit from the Zoning Board of Appeals.

(4) Drive Through Service may be allowed by Special Permit from the Planning Board in the Commercial and Office/Industrial Park Districts, In the approval of the Special Permit the Planning Board shall take the following items into consideration:

(a) The minimum space available for vehicles to queue on-site shall not be less than ten (10) cars.

(b) That the drive through service window be located on the side or rear of the building.

(c) The lane accessing the drive through service window shall not restrict other vehicular access around the building.

(5) Outdoor Storage/Display may be allowed by Special Permit from the Zoning Board of Appeals with the following conditions.

(a) All outdoor storage shall be screened as to not be visible from abutting properties and/or the public right of way.

(b) Display may be permitted in areas visible from the public Right-of-Way and neighboring properties, provided it does not create a nuisance by the introduction of noise, vibration, dust or other physical or sensory impact on abutting properties.

B. Special Conditions & Design Standards:

(1) Occupied Lot Area.

(a) The total area on any lot devoted to building, parking, outdoor storage and display and other paved hard surface areas may occupy up to eighty-five (85%) percent of the total lot area.

(2) Building Location and Utilities.

(a) The Building front shall face the street on which the lot obtains its frontage, unless the building is more than two hundred fifty feet (250 ft.) from the street and is on a private access road. In such instance the building may face the access road.

(b) If there is more than one building on the site,

[1] Parking facilities shall be shared to the extent practicable, as determined by the Planning Board;

[2] The buildings shall be sited with varied setbacks;

[3] The site shall have sufficient pedestrian access to all public facilities on the site;

[4] Buildings shall maintain a minimum twenty foot (20') setback from one another.

these items shall be reviewed through Site Plan Approval pursuant to the procedures outlined in Section 8.4.

(c) All utilities shall be placed underground.

(d) Building façades, materials and roof lines shall be reviewed under the Site Plan Approval to ensure consistency and compatibility with other structures.

(e) Flat roofs that are visible from the street level are prohibited unless an the façade includes design elements and/or material compositions that produce an architectural variation in the horizontal and vertical planes.

(f) The principal building(s) shall be connected to public water and sewer where available and accessible.

(g) LEED (Leadership in Energy and Environmental Design).

[1] LEED Certification should be encouraged to meet the best practicable level.

(3) Interior Streets, Drives, Walkways and Access.

(a) Site access shall be a divided way (one way in and one way out) where and when appropriate as determined under Site Plan Approval (SPA).

(b) Surfaces shall be pervious when possible and practical, excluding the required parking areas.

(4) Parking and Loading Area.

(a) Parking shall be in the rear or side of building(s) and shall not be visible from the street line when practicable. Parking will be reviewed under Site Plan Approval.

(b) All loading docks shall be to the side or rear of the building(s) and shall be visually screened from the street.

(c) All paved areas shall be separated from the lot line setbacks by a four (4) foot landscaped area of indigenous materials.

(5) Sidewalks.

(a) Sidewalks shall be provided from the street line, when applicable, and from the parking areas to building(s).

(6) Screening.

(a) Screening of the site shall be by a minimum four (4) foot landscaped strip at the rear and side lot lines.

(b) Additional landscaping and screening may be required during the Site Plan Approval or by the SPGA.

(7) Landscaping.

(a) There shall be a minimum four (4) foot landscaped area along the street frontage and along the front and side of the principal building(s) and plantings of indigenous materials along the façades of the building(s) and between the building(s) if there is more than one principal building on site.

- (b) Such landscape shall be a type and height that does not interfere with sight lines of drivers.
- (c) Natural features shall be retained to the extent practicable in relation to the limitations imposed by the surrounding natural features, as determined by the Planning Board.
- (d) A landscape plan shall be provided and reviewed as part of Site Plan Approval per Section 250-8.4.
- (8) Street Furniture.
 - (a) Light fixtures shall be designed to be of number and height that grants plentiful lighting. Such lighting shall shine downwards as to not affect adjacent properties and shall be Dark Sky Compliant.
 - (b) Lighting must also be placed on the side and rear of the building. This lighting shall be provided in the form of on building lights to provide minimal adequate lighting for security and safety.
 - (c) If provided, outdoor tables, benches, and bicycle racks shall be of a style consistent with the principal use(s) of the site.
 - (d) The location, number and style of trash receptacles shall be reviewed under Site Plan Approval.

250-4.6 Office Park/Industrial District:

A. Accessory Uses:

- (1) Any use allowed by right or special permit within the zoning district provided that
 - (a) They are associated with the primary use of the property
 - (b) They comprise no more than thirty five percent (35%) of the gross floor area of the building.
 - (c) Any permissible Accessory Use that comprises greater than thirty five percent (35%) of the gross floor area may be allowed by Special Permit from the Zoning Board of Appeals.
- (2) Drive Through Service may be allowed by Special Permit from the Planning Board in the Commercial and Office/Industrial Park Districts. In the approval of the Special Permit the Planning Board shall take the following items into consideration:
 - (a) The minimum space available for vehicles to queue on-site shall not be less than ten (10) cars.
 - (b) That the drive through service window be located on the side or rear of the building.
 - (c) The lane accessing the drive through service window shall not restrict other vehicular access around the building.
- (3) Outdoor Storage/Display may be allowed by Special Permit from the Zoning Board of Appeals with the following conditions.
 - (a) All outdoor storage shall be screened as to not be visible from abutting properties and/or the public right of way.
 - (b) Display may be permitted in areas visible from the public Right-of-Way and neighboring properties, provided it does not create a nuisance by the introduction of noise, vibration, dust or other physical or sensory impact on abutting properties.

B. Special Conditions & Design Standards:

- (1) The plan shall show a buffer strip which shall create a visual screen using landscaping of existing natural growth and/or plant material indigenous to the area;

(a) The buffer strip shall be at least fifty (50) feet deep where the District abuts a residential use or district.

(b) The buffer strip shall be at least twenty (20) feet deep at all side and rear property lines, except as provided above.

(2) Unless otherwise approved with the development plan, accessory uses not contained in the principal building shall be provided with safe access and shall be visually screened from view from a public way or shall be in a structure of an architectural style compatible with the principal structure.

(3) Limitations Upon Uses

(a) In addition to the limitations set forth in Section 5.0. of the Bylaw, all uses within an Office Park and Industrial District shall be subject to the following limitations:

[1] The lot coverage of all buildings and structures shall not exceed;

[2] Fifty (50) percent of the total lot area of a lot used for an office park or office building.

[3] Seventy (70) percent of the total lot area of a lot used for storage or distribution.

[4] An amount determined by the Planning Board not to exceed seventy (70) percent of the total lot area for any other use.

(b) The total impervious area shall not exceed;

[1] Ninety (90) percent of the total lot area of a lot used for an office park or an office building.

[2] Seventy (70) percent of the total lot area of a lot used for storage or distribution.

[3] An amount determined by the Planning Board not to exceed ninety (90) percent of a lot used for any other purpose.

250-4.7 Village Center District:

A. Special Conditions & Design Standards:

(1) Purpose

(a) In pursuit of this opportunity and to address this challenge, the Town implements this bylaw and designates this zoning district as Village Center District in order to encourage economic and residential growth that fits the character of the Town.

(b) The purposes of the Village Center District are to:

[1] Build upon the historic development patterns in the existing village centers to create attractive, walkable neighborhoods;

[2] Encourage adaptive reuse of abandoned, vacant or underutilized buildings or structures where appropriate;

[3] Allow for a mix of new land uses that are appropriate to both the needs of the community and the scale of surrounding neighborhoods;

[4] Provide incentives to develop larger parcels at higher densities and in a coordinated, planned approach;

[5] Maintain a consistently high level of design quality throughout the district;

[6] Encourage the development of mixed use buildings and campuses that are designed and

constructed in a manner that is contextually sensitive to the existing structures and facilities.

(2) Authority

(a) The Planning Board shall act as the administering authority for any Site Plan Approval procedure associated with this bylaw Section 8.4. The Board of Appeals shall serve as the Special Permit Granting Authority for any use that requires a Special Permit in the district, any use requiring a Special Permit pursuant to Section 4.17.5.

(3) Special Permit Approval Criteria – The Zoning Board of Appeals shall act upon all applications after notice and public hearing, and after due consideration may grant such a special permit provided that it finds the proposed use:

(a) Is in harmony with the purpose and intent of the Bylaw and will promote the purposes of the Village Center District.

(b) The use is in harmony with those of the abutting properties and the Village Center District as a whole.

(c) All applicable standards for use, parking, and dimensional requirements are met;

(d) All applicable design standards listed in Section 8 are met.

(e) Where multiple structures are proposed, the site design reflects a thoughtful arrangement of elements that will facilitate the movement of pedestrians between structures through the use of sidewalks, internal walkways, alleys or open space features.

(4) The following uses are prohibited in the Village Center District

(a) Newly constructed one-story buildings on lots of less than 5 acres.

(b) Retail operations with more than five thousand (5,000) square feet of gross floor area on any individual floor, except for reuse of buildings existing prior to 1 May 2015.

(c) Drive through establishments, excluding those expressly allowed by Special Permit.

(5) Dimensional requirements.

(a) Requirements.

	<u>Building Type</u>	
	<u>Mixed Use with Commercial First Floor</u>	<u>Other Mixed Use or Residential Only</u>
<u>Maximum floor area ratio (FAR) (gross floor area/lot size)</u>	<u>2.0</u>	<u>1.5</u>
<u>Minimum lot frontage</u>	<u>75 feet</u>	
<u>Maximum lot coverage</u>	<u>85%</u>	
<u>Minimum lot area</u>	<u>N/A</u>	
<u>Number of buildings per lot</u>	<u>See Subsection I</u>	

Building Type

<u>Mixed Use with Commercial First Floor</u>	<u>Other Mixed Use or Residential Only</u>
---	---

<u>Maximum building frontage</u>	<u>300 feet</u>
<u>Minimum front setback</u>	<u>5 feet</u>
<u>Maximum front setback w/o street furniture</u>	<u>15 feet</u>
<u>Minimum side/rear setback abutting a residential zone</u>	<u>10 feet</u>
<u>Minimum side/rear setback in VCD</u>	<u>5 feet</u>
<u>Interior setback (between buildings on the same lot)</u>	<u>10 feet</u>

(b) Height limitations for nonresidential and mixed use. Building height for mixed use or nonresidential use shall not exceed 38 feet and no building shall have more than three stories.

(6). Parking requirements.

<u>Use</u>	<u>Parking Requirement</u>
<u>Retail/personal service/liquor store</u>	<u>1 parking space per 400 square feet of net floor area, plus 1 space per employee on the largest shift</u>
<u>Professional office/civic uses</u>	<u>1 parking space per 300 square feet of net floor area</u>
<u>Artists space</u>	<u>1 parking space per 400 square feet of net retail/gallery floor area, plus 2 parking spaces per dwelling unit</u>
<u>Restaurant/private club</u>	<u>1 parking space per 4 seats, plus 1 space for each employee on the largest shift</u>
<u>Bed-and-breakfast</u>	<u>1 parking space per accommodation room, plus 2 parking spaces for the primary residence, plus 1 space per nonresident employee on the largest shift</u>
<u>Mixed use/multiple commercial</u>	<u>Parking to be provided per the individual uses</u>

<u>Use</u>	<u>Parking Requirement</u>
<u>All residential uses</u>	<u>2 parking spaces per dwelling unit</u>
<u>Movie house</u>	<u>1 parking space per 4 occupants, plus 1 parking space per 2 employees on the largest shift</u>
<u>Outdoor market</u>	<u>1 parking space per 500 square feet of sales space</u>
<p><u>(a) As part of a Site Plan Approval or special permit process within this district, the applicant may request reductions to minimum requirements or alternative methods for meeting the required parking.</u></p> <p><u>(b) Available innovative parking strategies include:</u></p> <p><u>[1] Shared On-Site Parking</u></p> <p><u>[a] Non-competing Uses. In mixed-use developments, applicants may propose a reduction in parking requirements based on an analysis of peak demands for noncompeting uses. Up to 50% of the requirements for the predominant use may be waived by the Planning Board or the Board of Appeals if the applicant can demonstrate that the peak demands for two uses do not overlap. An additional 25% may be waived with the addition of bicycle parking facilities.</u></p> <p><u>[1] Off-Site Parking: Separate from, or in conjunction with Shared Parking provisions, an applicant may use off-site parking to satisfy their parking requirements in accordance with the following conditions:</u></p> <p><u>[a] Off-site parking shall be within one-thousand (1000) feet of the property for which it is being requested.</u></p> <p><u>[b] Off-site parking spaces provided by a separate private property owner shall be subject to a legally binding agreement that will be presented to the Permit Granting Authority as a condition of either the Development Plan Review or the Special Permit. Where an agreement shall expire within a specified timeline, the applicant or current property owner shall continue to provide evidence to the Zoning Enforcement Officer that the agreement has been extended. The Permit Granting Authority will verify with the Zoning Enforcement Officer that there are no existing parking agreements during the permitting process.</u></p> <p><u>(7) Design Standards: The Design Standards in this section shall be applied to development within the Village Center District where applicable.</u></p> <p><u>(a) Occupied Lot Area: The total lot devoted to building, parking, outdoor storage and display and other paved hard surfaces may occupy up to eighty-five (85%) percent of the total lot area.</u></p> <p><u>(b) Buildings.</u></p> <p><u>[1] All buildings shall have a principal façade and entry (with operable doors) facing a street or open space. Buildings may have more than one principal façade and/or entry.</u></p> <p><u>[2] Building finish materials shall be appropriate to traditional New England architecture.</u></p> <p><u>[3] Building facades, materials and roof lines shall be reviewed under the Permit Granting Authority to ensure consistency and compatibility with other structures.</u></p> <p><u>[4] Blank walls adjacent to streets, alleys or open spaces shall not be permitted. Where windows are not possible or appropriate to the intended use, vertical articulation in the form of raised or recessed surfaces shall be used to break up blank walls.</u></p>	

Formatted: Indent: Left: 0", Hanging: 0.4"

- [5] New retail buildings shall have one of the following features along the front entrances to pedestrians: awning, marquee, arcade and/ or colonnade.
- [6] Flat roofs that are visible from the street are prohibited unless an appropriate façade is included in the design.
- [7] Larger buildings with multiple non-residential tenants on the first floor shall articulate the façade in a manner that distinguishes the location of these tenants through the use of decorative raised or depressed vertical surfaces, variations of acceptable signage, awnings, marquees, colonnades or arcades.
- [8] Mixed Use buildings shall have no more than twenty five (25%) percent of the first floor dedicated to residential use. Conversion or partial conversion of residential uses existing before 1 May 2015 are exempt from this provision.
- [9] All new utility service connections shall be placed underground.
- [10] Lighting, signage and architectural style shall be consistent with other uses in the District and reviewed under the Permit Granting Authority.

(c) Signs.

- [1] Primary signs shall be flat against the façade, or mounted projecting from the façade.
- [2] Signs that project from buildings shall have at least ten (10) feet of clearance from the ground level.
- [3] Signs shall be externally lit from the front; lighting shall be provided using a gooseneck fixture. Back lighting of signs shall not be used.
- [4] Neon, flashing signs, moving signs, electric message signs, and roof signs shall not be used, except for barber poles.
- [5] Banners with a specific date of expiration, shall be allowed, after approval by the Zoning Enforcement Officer.
- [6] Signs shall be made of attractive materials consistent with the character of the district. Materials may include wood (painted or natural), stone, copper, brass, galvanized steel, painted canvas or paint/engraved on façade surface.
- [7] Signs may only be incorporated into the skirt of awnings and not on the primary angled surface.
- [8] Each building façade facing a street or parking area is permitted to have signs that equal a maximum square footage of five (5%) percent of the respective façade.
- [9] Sandwich board signs, flags and other portable signs are permitted only within the property lines, as long as they are properly weighted.
- [11] Window signs, comprising no more than ten (10%) percent of the transparent surface, shall be allowed. Window signs shall not be lighted or animated in any manner, with the exception of the standard lighting fixtures within the building.

(d) Site Design.

- [1] Interior Streets, Drives, Walkways and Access.
 - [a] Site access shall be a divided way (one way in and one way out) where and when appropriate as determined by the Permit Granting Authority.
 - [b] Surfaces shall be pervious when possible and practical.
 - [c] Street level frontage shall be devoted to entrances, shop windows or other displays.
 - [d] Primary entrances to proposed and existing buildings shall be situated on pedestrian amenities (e.g., sidewalks, plazas or open space) with a minimum width of 10 feet.
 - [e] Setbacks shall be consistent with the fabric of the existing street and do not preclude pedestrian access.

(e) Parking and Loading Area.

- [1] Parking shall be in the rear or side of building(s) and shall not be visible from the street line when possible. Parking will be reviewed by the Permit Granting Authority.
- [2] All loading docks shall be to the rear of the building(s) and shall not be visible from the street. Adequate access for loading and emergency vehicles is maintained on one side of the building.

(f) Sidewalks.

[1] Sidewalks shall be provided from the street line, when applicable, and from the parking areas to building(s).

(g) Landscaping.

[1] There shall be a minimum of a four (4) foot landscaped area along the street frontage and along the front and side of the principal building(s) and plantings of indigenous materials along the façades of the building(s) and between the building(s) if there is more than one principal building on site.

[2] Additional landscaping and screening may be required during the Development Plan Review or by the permitting authority.

[3] Such landscape shall be a type and height that does not interfere with sight lines of drivers.

[4] Natural features shall be retained to the extent possible.

[5] A landscape plan shall be provided and reviewed.

[6] Where residential neighborhoods abut commercial, office or mixed use developments, appropriate transitional features shall be used and may include landscaping, open space or parks, or streets with clearly designed pedestrian features.

(h) Street Furniture.

[1] Light fixtures shall be designed to be of number and height that grants plentiful lighting. Such lighting shall shine downwards as to not affect adjacent properties and be dark sky compliant.

[2] Lighting must also be placed on the side and rear of the building.

[3] A Lighting Plan may be required if the Permitting Granting Authority deems the project is of such a scale that the impacts to the neighborhood are adverse; such plan will show where all light fixtures are being proposed within the site, as well as a narrative as to the type of light and height of all fixtures.

[4] Outdoor tables, benches, and bicycle racks shall be of a style consistent with the principal use(s) of the site.

[5] The location, number and style of trash receptacles shall be reviewed under Permit Granting Authority.

(8) Village Center District Campus Developments

Developments that contain multiple buildings and uses on a single lot are encouraged as long as they are sensitive to the context of the surrounding area and meet the purposes outlined above. These developments are subject to the provisions of Section 8.4 Development Plan Review of the Protective Bylaw as well as the additional design guidelines outlined in Section 4.17.8. of this Bylaw and below.

Additional Design Standards: In addition to those design standards listed in Section 4.17.8. of this bylaw, applications for a Village Center District Campus shall also meet the following standards:

(a) Buildings

[1] Newly constructed building façades for non-residential first floor uses shall have a transparency of at least thirty five (35%) percent and no more than sixty (60%) percent for all facades that, wholly or partially, address street frontage, sidewalks, or other public space.

[2] Buildings in Village Center District Campus Developments shall meet the following criteria:

[3] No more than ten (10%) percent of the first floor of newly constructed buildings shall be occupied by residential use.

[4] No more than sixty (60%) percent of the total gross floor area of the development shall be occupied by residential use.

(b) Signs

[1] Freestanding directory signs may be permitted as part of a Village Center District Campus application where several non-residential operations are accessed through a common vehicular entrance. Such freestanding signs shall not exceed eight (8) feet in height, six (6) feet in width and each tenant shall

be allowed a maximum of four and a half (4.5) square feet to display the company or agency name.

(c) Site Design

[1] Buildings shall be arranged in a manner that optimizes the ability of residents and consumers to access public spaces and pedestrian amenities.

[2] Buildings shall be oriented toward each other in a way that minimizes conflicts between pedestrians and automobiles.

[3] Open space provided pursuant to Section 4.17.9.b. of this bylaw shall be designed as a public gathering place. Arcades, courtyards, parks, greens or other common areas shall be located in a manner that connects buildings to each other and to public sidewalks without interruption from parking areas or automobile travel lanes to the greatest practicable extent.

[4] Features that may be used to create open space areas acceptable to the Planning Board or the Board of Appeals may include, without limitation, fixed benches, fixed tables, fountains, pathways, bikeways, bicycle racks, period lighting, shade trees, perennial gardens, picnic areas, and/or trash receptacles.

Formatted: List Paragraph, No bullets or numbering, Tab stops: Not at 0.44"

~~§ 250-4.2 Residence and Outlying Districts.~~

~~A. Permitted uses. In the Residence A, Residence B or Outlying District, any of the following uses are permitted:~~

- ~~(1) Detached one-family building, but not including a mobile home or automotive type trailer.~~
- ~~(2) An accessory housing unit may be attached to or within a primary dwelling, provided the primary dwelling unit is on a lot of 40,000 square feet or more in the Residence A Districts or 80,000 square feet or more in Residence B Districts or Outlying Districts, and further provided that:~~
 - ~~(a) The primary building has at least 1,200 square feet of floor area.~~
 - ~~(b) The entire structure used for dwellings shall not occupy more than 50% of the lot area.~~
 - ~~(c) There is at least one off-street parking space for each bedroom or efficiency apartment in the converted portion of the structure, which space shall not be provided in the front or side yard.~~
 - ~~(d) There is provision for screening by fencing or landscaping of outside storage areas.~~
 - ~~(e) No accessory unit shall have a floor area of less than 500 square feet plus 100 square feet for each bedroom over one.~~
 - ~~(f) The floor area of the accessory unit(s) shall not be more than 30% of the normally habitable floor area, excluding garage, unfinished attic and crawl space, of the principal dwelling unit, after conversion.~~
 - ~~(g) Each unit shall be a complete and independent housekeeping unit, containing a bedroom or bedroom/living room combination, bathroom and kitchen or kitchenette and shall have a separate entrance.~~
 - ~~(h) The exterior appearance of the structure shall not be altered except for:~~

- ~~[1] Stairways and exits required by law, which shall be in the rear of the building.~~
- ~~[2] Restoration consistent with the original architecture of the structure.~~
- ~~(i) One of the units shall be occupied by the owner of the property.~~
- ~~(j) If the second unit is discontinued and integrated into the original structure design, the owner shall notify the Building Commissioner in writing.~~
- ~~(k) No permit for accessory housing granted hereunder shall take effect sooner than one year after occupancy of the primary dwelling, nor until the owner/petitioner records the authorization in the applicable Registry of Deeds at his own expense.~~
- ~~(l) All permits for accessory housing must be secured before any construction is undertaken.~~
- ~~(3) New detached two family dwelling if located on a lot having an area of at least 1 1/2 times that required by § 250-5.1.~~
- ~~(4) Church or other place of worship, parish house, rectory or convent.~~
- ~~(5) Educational uses on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation.~~
- ~~(6) Recreational or water supply use of a public agency.~~
- ~~(7) Public administration building, fire or police station.~~
- ~~(8) Public school, library, museum, art gallery or community building.~~
- ~~(9) Private school offering general education courses.~~
- ~~(10) Orchard, market garden, nursery, greenhouse or other use of buildings or land for the raising of agricultural, horticultural, viticulture or floricultural crops.~~
- ~~(11) Use of buildings or land for the raising of poultry, livestock or other farm animals, without limitation if in an Outlying District, but only as an accessory use, as hereinafter defined, if in a Residence A or B District; provided, however, that the Board of Appeals may, in addition, authorize by special permit such use as a main or commercial use in a Residence B District (but not in a Residence A District), subject to the conditions hereinafter set forth for authorizing other uses permissible by said Board in Residence Districts.~~
- ~~(12) Removal of soil, loam sand or gravel from a parcel of land, provided that such removal is in conformity with bylaws of the Town pertaining thereto.~~
- ~~(13) Accessory use customarily incidental to a permitted main use on the same lot or a lot adjacent thereto, including the following:~~
- ~~(a) The raising or keeping of a small flock of poultry or of saddle horses, livestock or other farm animals for use only by residents of the premises.~~
- ~~(b) Tool shed, playhouse, tennis court, boat house or other structure for domestic use; private garage for motor vehicles, but not including more than one commercial vehicle used for a commercial enterprise or more than one school bus or farm vehicles. There shall be no commercial vehicle of~~

Comment [2]: Editor's Note: See Ch. 140, Excavations and Earth Removal.

~~more than the manufacturer's gross vehicle weight rating of more than 33,000 pounds and/or a highway tractor and/or a highway tractor/trailer combination.~~

~~(c) The use of a room or rooms in a dwelling or building accessory thereto by a resident of the premises as an office, studio or workroom for a home occupation, provided that:~~

~~[1] Such use is clearly incidental and secondary to the use of the premises for dwelling purposes.~~

~~[2] Not more than two persons other than residents of the premises are regularly employed thereon in connection with such use.~~

~~[3] No stock in trade is regularly maintained, except for products of the occupation itself or for goods or materials which are customarily stored, used or sold incidental to its performance.~~

~~[4] From the exterior of the building so used, there is not visible any display of goods or products, storage of materials or equipment, regular parking of commercial vehicles or any other exterior indication that the premises are being utilized for any purpose other than residential (except for an accessory sign).~~

~~(14) Temporary placement of a mobile home or trailer for temporary use as a dwelling, notwithstanding provisions herein contained to the contrary; provided, however, that:~~

~~(a) Such use is necessary to provide housing for occupants of a dwelling house (exclusive of a summer camp) which has recently been rendered uninhabitable by fire or other disaster.~~

~~(b) The dwelling was being continuously used as a dwelling at the time of disaster and the Board of Health has determined after examination that the dwelling house is uninhabitable without immediate and substantial repairs.~~

~~(c) Such temporary use of the premises shall not exceed one year from the date of the granting of the permit, but application for an extension of the time may be made to the Building Commissioner, who shall be governed by the same provisions as in the granting of the original permit, so far as applicable, provided no extension shall extend such use beyond two years from the original granting of such permit.~~

~~(d) Mobile homes and trailers used as temporary owner living quarters during construction of a permanent home shall be permitted only after the building permit and other required permits for the permanent structure have been issued, and a temporary permit has been granted by the Building Commissioner, which temporary permit shall be granted only for a determined length of time up to, but not more than, one year.~~

~~B. Uses permissible by special permit granted by the Board of Appeals. In a Residence A, Residence B or Outlying District, the Board of Appeals may, in a specific case, authorize by special permit in accordance with provision of MGL c. 40A, § 8, any of the following additional uses, provided that the premises in question is reasonably adaptable to such use and will allow proper layout thereof (including adequate separation of buildings and open areas from adjacent premises):~~

~~(1) Inns with incidental dining facilities if primarily for the convenience of overnight guests, but not including any place which provides dancing or entertainment or serves alcoholic beverages.~~

~~(2) Boarding or lodging house, private guesthouse, rest home, convalescent or nursing home, funeral parlor.~~

- ~~(3) Private organized camp.~~
- ~~(4) Hospital, sanitarium, philanthropic or charitable institution (but not including a correction institution).~~
- ~~(5) Antique shop in a dwelling or building accessory thereto, provided there is no exterior display (except for an accessory sign) and the residential character of the premises is preserved.~~
- ~~(6) Any public use not specifically listed herein or any public utility or communication use except for telecommunication and cellular towers which are governed by other provisions of this bylaw.~~
- ~~(7) Private club, lodge or other nonprofit, social, cultural, civic or recreational use (but not including any use the chief activity of which is one customarily conducted as a business).~~
- ~~(8) Sales room or stand for the sale of nursery, greenhouse, garden or farm produce (including articles of home manufacture from such produce), provided that the major portion thereof is raised on the premises (or made from produce so raised).~~
- ~~(9) Boat yard for the service of small, private craft, including the incidental sale, storage and repair of such craft but only to the extent specifically authorized by the Board of Appeals and subject to the requirements of the Commercial and/or Retail Commercial District Bylaw (§ 450 4.5D).~~
- ~~(10) Any of the following commercial recreation uses: boat or canoe livery, riding stable, ski ground or bathing beach, including the incidental sale of refreshments if primarily for the convenience of patrons thereof and of equipment customarily related to the use (fishing tackle and the like), but only to the extent specifically authorized by the Board of Appeals.~~
- ~~(11) Any other use similar to the uses hereinbefore listed in function, general character and effect on adjacent property (but not including any use specifically listed herein by name as a permitted or authorized Retail Commercial or Commercial District use).~~
- ~~(12) Mobile home or automotive type of trailer, whether mobile or immobile, for dwelling or business purposes, either of which is incidental to construction on or development of the premises on which it is located, in any area other than areas designated as a mobile home park under this bylaw, for such periods as may be prescribed by the Board of Appeals; provided, however, that in no case shall the total period or periods prescribed extend more than two years beyond the date of the initial authorization.~~
- ~~(13) Professional building.~~
- ~~(14) The use of a room in a residence or an accessory building for display of articles incidental to an accessory use as defined in § 250 4.2A(13)(c).~~
- ~~(15) Kennel.~~
 - ~~(a) A kennel license shall be issued by the Animal Control Officer subject to fees established by the Board of Selectmen.~~
 - ~~(b) The license period shall be from April 1 to March 31 of the following year.~~
 - ~~(c) The Animal Control Officer will inspect the premises where the applicant's kennel will be located and determine if the premises is appropriate for use and size of the proposed kennel.~~

- ~~(d) The Animal Control Officer will determine if the kennel provides adequate shelter, sanitary and humane conditions.~~
- ~~(e) The Animal Control Officer will keep detailed records of the kennel operation, will inspect the licensed kennel at least once a year and/or when a complaint is registered.~~
- ~~(f) All dogs shall be kept confined to the kennel and fenced outside runs or otherwise under suitable control.~~
- ~~(g) The kennel will have no significant adverse effect, such as excessive barking, or other conditions on the peace and quiet of the neighborhood.~~
- ~~(h) The kennel, including outside runs, shall comply with the setbacks as provided in Article V for side and rear yards.~~
- ~~(i) An applicant other than the owner requires a notarized permission to apply for a license.~~
- ~~(16) Enforcement. For the purpose of this section, irrespective of Article VIII of this bylaw, the Building Commissioner may seek the assistance of the Animal Control Officer to enforce conditions of the permit.~~
- ~~C. Uses permissible by special permit granted by the Planning Board.~~
- ~~(1) In a Residence A, Residence B or Outlying District, the Planning Board may authorize, in a specific case, by special permit and subject to the approval of a plan if required by Town bylaw and in accordance with the provisions of Article V, any of the following additional uses. The provisions of this Subsection C, §§ 250 5.4., 250 5.5 and 250 6.4 may be modified by application to the Planning Board, which in this instance shall hear and determine the application for said modification.~~
- ~~(a) A mixed residential development, provided that in a Residence A District or Outlying District 25% and in Residence B 20% of the dwelling units are sold to buyers who qualify as low or moderate income households as defined by the Commonwealth of Massachusetts Executive Office of Communities and Development. The mixed residential development may include:~~
 - ~~[1] All one family dwelling structures.~~
 - ~~[2] A mix of any of the following: one , two , three , and/or four family dwellings.~~
 - ~~[3] Package sewage treatment facilities or common leaching area(s) for use by all the dwellings in the mixed residential development in accordance with the provisions of § 250 4.1D(4).~~
 - ~~[4] Common open space, defined as land not included in lots for building purposes and which is left in a natural or landscaped state for the enjoyment of the residents of the mixed residential development.~~
- ~~(b) A planned residential area, which may include:~~
 - ~~[1] Townhouses.~~
 - ~~[2] A mix of townhouses and two family dwellings.~~
 - ~~[3] A mix of townhouses, one family and two family dwellings.~~
 - ~~[4] An eighteen hole golf course, similar to a Professional Golf Association golf course, whether public~~

~~or private, may have club facilities including a restaurant, function room, equipment repair and retail sale of golf equipment, provided that equipment used in connection with the maintenance of the course and facilities is stored in an enclosed structure.~~

~~[5] Accessory uses and recreation facilities for the use of the residents of the area only, to include a golf course, tennis courts, jogging trails, swimming pools and similar outdoor facilities, community building not to exceed 5% of the total floor area of the residential units, parking areas and garages, storage sheds, cabanas, detached fireplaces and similar facilities for use by the residents of the planned residential areas, but not including home occupations, taking of boarders or lodgers, renting rooms or professional offices.~~

~~(2) Assisted living residence and continuing care retirement community, provided that, irrespective of the dimensional requirements shown on the table in § 250-5.4C(1), the dimensional requirements shall be:~~

~~(a) Minimum frontage per facility: 300 feet.~~

~~(b) Minimum front, rear and side yard setback: 100 feet.~~

~~(c) Minimum area per facility: five acres.~~

~~(d) Maximum height: 35 feet.~~

~~(e) Maximum area coverage: 35% of site.~~

~~(3) Telecommunication towers on an existing public or utility structure, subject to the provisions of §§ 250-5.3A(1) and 250-6.6K(1) and subject to a determination by the Planning Board that the siting is compatible with the rural landscape of the district and provided that:~~

~~(a) The Planning Board may waive provisions of its Rules and Regulations for Telecommunication and Cellular Towers as appropriate to the character of the Town.~~

~~(b) The applicants are the Town of Lunenburg, a public utility or such other entity as may be required by statute.~~

~~(4) Farm related uses not permitted as of right in § 250-4.2A or a special permit granted by the Planning Board or by the Board of Appeals in other sections as provided in this bylaw, to include bee keeping, fish hatcheries, animal hospitals, sawmills, blacksmith shops, and farm implement repair shops for implements not exceeding 30 horsepower, provided that:~~

~~(a) Vehicles and equipment in connection with the use are parked behind the setback line.~~

~~(b) Buffers are provided for the storage of materials and equipment and related to the above uses and located to limit adverse impacts on adjacent properties.~~

~~(c) In addition to the conditions of § 250-6.5, Signs, and § 250-6.6, Performance standards, the hours of operation, decibel levels, signs may be subject to further conditions of the permit.~~

~~(5) More than one dwelling per farm, provided that:~~

~~(a) There is a minimum of five acres for each dwelling.~~

~~(b) The additional dwelling or dwellings are intended for occupancy by persons employed on or~~

Comment [3]: Editor's Note: See Ch. 330, Telecommunication and Cell Tower Rules and Regulations.

~~associated with the farm.~~

~~(c) Dwellings are located to have the minimum impact on prime farmland.~~

~~(d) The dwellings remain part of the farm and are not separated by subdivision of the land.~~

~~§ 250-4.3 Recreation District.~~

~~A. Purpose. The purpose of the Recreation District is to provide areas for passive and active recreation.~~

~~B. Permitted uses. Any of the following uses are permitted in a Recreation District:~~

~~(1) All uses permitted in § 250-4.2A.~~

~~(2) All uses permitted in § 250-4.1C.~~

~~C. Uses permissible subject to development plan review. In a Recreation District, the following uses are permitted subject to development plan review in accordance with § 250-8.4:~~

~~(1) A commercial outdoor recreation area, or an expansion of an outdoor recreational area existing at the time of this bylaw, including one or more of the following:~~

~~(a) A golf course, not including a miniature golf course or a "par three" golf course.~~

~~(b) Tennis, badminton, boccei and shuffle board courts.~~

~~(c) Softball, baseball and soccer fields.~~

~~(d) Cross-country ski areas.~~

~~(e) Swimming pools not exceeding Olympic size and not including water parks, e.g., commercial water recreation establishments with slides, wave pools or similar equipment.~~

~~(f) Accessory uses, such as club houses (which may, for golf courses only, include function rooms and restaurants), changing and shower rooms, cabanas, equipment repair and sale of related equipment, snack bars, maintenance shops and offices related to the business of recreation areas and nonpermanent bleachers only. Such uses are to be primarily for use of members and users of the facilities. All equipment used in connection with the maintenance of the area shall be stored in an enclosed structure.~~

~~D. Uses permissible upon special permit from the Board of Appeals. In a Recreation District, the following uses are permitted upon issuance of a special permit from the Board of Appeals after the development plan review has been completed and the development plan approved by the Planning Board:~~

~~(1) Indoor swimming pool.~~

~~(2) Indoor racquet sports facility.~~

~~(3) Accessory uses to (1) and (2) above, which may include function rooms and restaurants, changing and shower rooms, cabanas, equipment repairs and sale of related equipment, snack bars, maintenance shops and offices related to the primary use. Such uses are to be primarily for use of members and users of the facilities. All equipment used in connection with the maintenance of the facility shall be stored indoors.~~

~~E.— Conditions for use of a development plan or special permit for recreation uses. All uses permitted subject to development plan review pursuant to Subsection C above or permitted upon issuance of a special permit pursuant to Subsection D above shall also be subject to the limitations set forth in Article V of this bylaw, the performance standards contained in Article VI of this bylaw, the guidelines contained in § 250-8.4E of this bylaw (as to uses described in Subsection C), the guidelines for a special permit contained in § 250-8.3C(2) (as to uses described in Subsection D), as well as the following conditions:~~

- ~~(1) Night lighting of parking areas shall not be visible at ground level from adjacent properties.~~
- ~~(2) Landscaped or naturally treed buffers shall be provided along the periphery of the property.~~
- ~~(3) Facilities which generate outside noise, such as a swimming pool or a shooting range, shall be located and buffered so as not to be a nuisance, and an unenclosed pool, if any, shall be set back from any public street at least 200 feet.~~
- ~~(4) Natural features shall be preserved to the maximum extent feasible.~~
- ~~(5) Stone walls and man-made features which improve or contribute to the character of the area shall be maintained where possible.~~
- ~~(6) Service areas shall be screened from active recreation areas.~~
- ~~(7) Reasonable mitigation measures shall be taken to address traffic, parking and safety (including road safety) concerns posed by the proposed development where, in the opinion of the Planning Board, such measures are deemed necessary.~~
- ~~(8) Conditions of approval set forth in the requirements of § 250-8.2D of this bylaw (as to uses described in Subsection D) and the Rules and Regulations Governing the Subdivision of Land, Lunenburg Planning Board, and the Rules and Regulations of the Lunenburg Planning Board for Conduct of Planning Board Functions, Meetings and Hearings and the Regulations of the Planning Board of the Town of Lunenburg Governing the Design, Construction and Maintenance of Off-Street Parking and Loading Areas.~~
- ~~(9) There shall be more than one means of access.~~
- ~~(10) All residents of the Town shall be eligible for membership.~~
- ~~(11) In the case of the proposed adjacent planned residential area, special care will be taken to coordinate the development with the planned residential area, if any.~~
- ~~(12) Maximum capacity limitations shall be established by the licensing authority for accessory facilities, including restaurants and function rooms, after recommendations from appropriate Town boards, including (but not necessarily limited to) the Planning Board, Board of Health, Fire Chief, Building Commissioner and Police Chief. Maximum capacity limitations shall be based on, but not limited to, the following criteria, but in no case shall exceed 200 persons: provision for adequate off-street parking in accordance with § 250-6.1 of this bylaw; provision for adequate wastewater disposal; provision for adequate refuse disposal; provision for crowd control and security; and no adverse impact on adjacent uses.~~
- ~~(13) No more than 10% of the total lot area shall be covered by an impervious surface.~~

~~F.— Procedure for submittal.~~

Comment [4]: Editor's Note: See Ch. 325, Subdivision Regulations.

~~(1) It is recommended that a concept plan showing the proposed use be submitted to the Planning Board for review and discussion prior to the filing for development plan review.~~

~~(2) The provisions of § 250-8.3C (as to special permits) and § 250-8.4 (as to development plan review) shall apply.~~

~~(3) Filing under §§ 250-8.3C and 250-8.4 may be simultaneous.~~

~~G. Map changes. Any area designated for the Recreation District and the uses permitted under this section shall constitute a change on the Protective Zoning Bylaw Map and shall require a two-thirds vote of Town Meeting in accordance with Article VIII of this bylaw. All such areas shall be site-specific and shall be shown on the Protective Zoning Bylaw Map.~~

~~§ 250-4.4 Limited Business/Residential District.~~

~~A. Purpose. The purposes of the Limited Business/Residential District are to preserve the existing structures which define the character of the community and provide the opportunity for use of these structures which is consistent with modern land use, and to ensure new construction which is compatible with the community.~~

~~B. Uses permitted:~~

~~(1) One and two family dwellings.~~

~~(2) Renting of two rooms by a resident occupying the dwelling to not more than three nontransient persons.~~

~~(3) Accessory buildings and uses as permitted in § 250-4.2A.~~

~~C. Use allowed by special permit and development plan review granted by the Planning Board, subject to the conditions of § 250-8.4E:~~

~~(1) Orchard, market garden, nursery, greenhouse or other use of buildings or land for the raising of agricultural, horticultural, viticultural or floricultural crops.~~

~~(2) Service shop, provided that there will be a maximum gross floor area of 1,000 square feet for the ground floor (exclusive of basement areas and up to 2,000 square feet total for structures of two floors).~~

~~(3) Repair shop for small appliances, similar in function to toasters, sewing machines and vacuum cleaners, jewelry or similar items, with a maximum gross floor area of 1,000 square feet for the ground floor (exclusive of basement areas and up to 2,000 square feet total for structures of two floors).~~

~~(4) Business or professional offices.~~

~~(5) Retail sales and services, such as antiques, flowers, gifts, arts and crafts.~~

~~(6) Bed and breakfast, bed and breakfast establishment, inn, function facility, catering service.~~

~~(a) Bed and breakfast or bed and breakfast establishment, provided that:~~

~~[1] The use complies with the definition of bed and breakfast or bed and breakfast establishment, provided the dwelling is owner-occupied.~~

- ~~[2] The lot conforms to all dimensional requirements of the Zoning Bylaw.~~
- ~~[3] Parking for each room available for rent is provided in the side yard behind the setback line or in the rear yard, but not nearer than 10 feet to any property line. One parking place shall be provided for each bedroom.~~
- ~~[4] The outside appearance of the building is not altered except to comply with the Building Code.~~
- ~~(b) Inn, an establishment for lodging for temporary occupants, including a function facility and dining facilities open to the public, provided that:~~
 - ~~[1] The lot conforms to all dimensional requirements of this Zoning Bylaw.~~
 - ~~[2] The function facilities and dining facilities open to the public and catering services on the premises meet the requirements of Subsection C(6)(e) and (d) listed below.~~
 - ~~[3] The sleeping rooms do not exceed 12 in number.~~
 - ~~[4] The parking complies with § 250-6.1. Off street parking and loading areas, of the Zoning Bylaw and shall be provided in the side yard behind the setback line or in the rear yard, but no nearer than 10 feet to any property line.~~
 - ~~[5] Dining facilities shall be limited within the time and hours approved by the special permit.~~
- ~~(e) Function facility, allowed only as an accessory to uses permitted in Subsection C(6)(a) and (b), to serve as a facility for meetings and other functions, to include receptions, dinners, weddings and business and civic meetings and similar social affairs, subject to all provisions of Subsection D of this section and § 250-8.4E and further provided that:~~
 - ~~[1] The building is located on a lot of at least two acres.~~
 - ~~[2] The original structure plus accessory buildings devoted to the use shall contain at least 3,000 square feet of floor area.~~
 - ~~[3] Additions to the floor areas, if any, shall not exceed 50% of the existing floor area and shall conform to the residential architectural style of the existing residential building.~~
 - ~~[4] The number of persons attending events shall be determined by the maximum number allowed by the Building Code, the Board of Health regulations and/or the Sewer Commission permit.~~
 - ~~[5] The number of events in any calendar year shall be determined during the development plan review process.~~
 - ~~[6] Anticipated parking shall be provided and parking of over 50 vehicles may require a traffic policeman at the discretion of the Police Department.~~
 - ~~[7] Outside lighting or music, if any, shall not extend beyond 10:00 p.m. and shall be limited in so far as possible to the property on which the use is located. No lighting shall be reflected into adjacent abutters' properties. The level of sound shall be no higher than 70 decibels at the property line or beyond.~~
 - ~~[8] Tents or suitable enclosures to be used in connection with an event shall be located back of the setback line and shall be erected and removed within 24 hours of the beginning and end of the event.~~

~~(d) Catering service.~~

~~[1] Kitchen and cooking facilities, allowed only as an accessory to uses permitted in Subsection C(6)(a) and (b), on the premises and off-site catering must meet Board of Health regulations and/or any other pertinent permitting requirement.~~

~~[2] Any vehicle identified for business used in connection with making catering deliveries must be garaged or parked in the rear of the structure.~~

~~(7) Irrespective of § 250-3.3 of this bylaw, the use of a lot in the Limited Business/Residential District with frontage within the district may extend into the adjacent district, provided that:~~

~~(a) No new buildings or structure are constructed in connection with the use in the adjacent district.~~

~~(b) The side and rear yards of the portion of the land in the adjacent district shall conform to the requirements of that district.~~

~~(8) Any other use similar to the uses hereinbefore listed in function or general character.~~

~~(9) Assisted living residence and continuing care retirement community, provided that, irrespective of the dimensional requirements shown on the table in § 250-5.4C(1), the dimensional requirements shall be:~~

~~(a) Minimum frontage per facility: 300 feet.~~

~~(b) Minimum front, rear and side yard setback: 100 feet.~~

~~(c) Minimum area per facility: five acres.~~

~~(d) Maximum height: 35 feet.~~

~~(e) Maximum area coverage: 35% of site.~~

~~D. Conditions for use on a development plan for business use.~~

~~(1) The architectural style of the original structure shall not be altered and new construction shall be of a residential style consistent with the present residences.~~

~~(2) There shall be no drive-in window service.~~

~~(3) All parking shall be off street, shall be located behind the setback line of the principal building or in an area approved in the development plan review. Parking restrictions shall be a minimal ratio of three square feet of ground area to one square foot of gross floor area. A designated area shall be landscaped and shall conform to provisions of § 250-6.4.~~

~~(4) There shall be no exterior storage, display or sales.~~

~~(5) There shall be no exterior sign except for an announcement sign in accordance with the provisions of § 250-6.5.~~

~~(6) There shall be no exterior evidence of the nonresidential use of the structure.~~

~~(7) Existing residential buildings shall not be destroyed to permit new construction, except for another~~

~~residential building.~~

~~(8) A development plan review application shall address all applicable sections of §§ 250-4.3E and 250-8.4 and shall be accompanied by a plan of suitable scale and shall include:~~

~~(a) A plan or plans illustrating the following:~~

~~[1] Lot boundaries, dimension and lot areas.~~

~~[2] The use, ownership and zoning of the lot or lots subject to the application and of the adjacent land and the use of any buildings thereon within 200 feet of the subject property.~~

~~[3] Existing and proposed vegetation, ground culture or surface.~~

~~[4] Existing and proposed easements, if any.~~

~~[5] Existing and proposed watercourses, if any.~~

~~[6] All existing buildings, structures, parking spaces, driveway openings, pedestrian walks, landscaped areas and natural areas on the subject property and the dimensions thereof.~~

~~[7] Proposed screening, surface treatment, lighting and landscaping, including fencing, walls, planting areas and signs.~~

~~(b) Information describing proposed provisions for waste disposal, refuse removal, drainage, dust and erosion control and other utilities and their appurtenances.~~

~~(9) New construction shall be accompanied by a plan, prepared by an architect, landscape architect, professional engineer or land surveyor, and shall be drawn as listed in Subsection D(8)(a) and (b) and shall include the following:~~

~~(a) Existing and proposed topography at two foot intervals.~~

~~(b) Facade elevations of any new construction and/or alteration to any building or structure.~~

~~§ 250-4.5 Retail Commercial District.~~

~~A. Purpose. The purpose of the Retail Commercial District is to provide areas for retail sales and services for the daily needs of residents.~~

~~B. Permitted uses. In a Retail Commercial District, any of the following uses are permitted:~~

~~(1) Church or other place of worship, parish house, rectory or convent.~~

~~(2) Educational uses on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination or by a nonprofit educational corporation.~~

~~(3) Public administration building, fire or police stations.~~

~~(4) Public school, library, museum, art gallery or community building.~~

~~(5) Orchard, market garden, nursery, greenhouse or other use of buildings or land for raising of agricultural, horticultural or floricultural crops.~~

~~(6) Retail store or service establishment, the principal activity of which shall be the offering of goods or services at retail within a building, with the exception of those uses for which a special permit is required in accordance with Subsection C below.~~

~~(7) Business or professional office or agency, bank or other financial institution, provided that any drive in or window service shall require a special permit as provided by Subsection C below.~~

~~(8) Restaurant, refreshment stand or other place for serving food or beverages within a structure, provided that any drive in or window service shall require a special permit as provided by Subsection C below.~~

~~(9) Parking areas or garages for the use of employees and customers of, or visitors to, a permitted use.~~

~~C. Uses permissible by special permit granted by the Board of Appeals. In a Retail Commercial District, the Zoning Board of Appeals may authorize by special permit any of the following additional uses:~~

~~(1) Drive in or window service accessory to a use permitted in accordance with Subsection A(7) or (8) above and any consumer service establishments such as laundry or dry cleaning where the actual work is performed off premises.~~

~~(2) Adult uses, as defined by MGL c. 40A, § 9A, provided that:~~

~~(a) All buildings containing adult uses are at least 250 feet from an existing residence, school or place of worship and are at least 500 feet from an existing Residential or Outlying District boundary.~~

~~(b) All parking is in the rear of the setback line and is screened from view of abutting properties.~~

~~(c) All signs shall be approved by development plan review and the Planning Board shall review the size, location, number, design, color and content to determine a public nuisance or be incompatible with the character of the community and, as to content, to determine only that the sign or signs are not obscene.~~

~~(d) All requirements of MGL c. 40A, § 9A are met, including that no special permit is granted to a person(s) who has been convicted of violating the provisions of MGL c. 119, § 63 or MGL c. 272, § 28.~~

~~(e) The Board of Selectmen may require that a security guard be on the premises during all or some hours of operation.~~

~~(3) Any public or municipal use not specifically listed herein or any public utility or communications use.~~

~~(4) Activities, accessory to activities permitted as a matter of right, which are necessary in connection with scientific development or related production, whether or not on the same parcel as activities permitted as a matter of right.~~

~~(5) Any other use similar to the uses hereinbefore listed in function, general character and effect on adjacent property, but not including any use specifically listed herein by name as a permitted or authorized Commercial District use.~~

~~D. Limitations upon uses.~~

~~(1) In addition to the limitations set forth in Article V of this bylaw, all uses within a Retail Commercial District shall be subject to the following limitations:~~

~~(a) The gross floor area of all buildings and structures on a lot shall not exceed 25% of the total lot area.~~

~~(b) The total area on any lot devoted to building, parking, outdoor storage and display and other paved or hard surfaced areas shall not exceed 75% of the total lot area.~~

~~(c) The minimum area of any lot devoted to a permitted use shall be eight times the minimum total area for both a leaching area and a reserve leaching area to serve said use required by the State Environmental Code, Title V, Minimum Requirements for the Subsurface Disposal of Sanitary Sewage (310 CMR 15.00, as amended or superseded), and in no case shall the area be less than 10,000 square feet.~~

~~(d) The area between the front facade of the building and the street line not devoted to walkways, drives or parking shall be planted with grass or suitable ground cover and at all lot lines the area not crossed by drives or walkways shall be planted and landscaped with indigenous shrubs to provide four feet of buffer.~~

~~(e) If a permitted use is connected to a municipal sewer system, the minimum area of the lot shall be 10,000 square feet, irrespective of the requirements of Subsection D(1)(e) above.~~

~~(2) Telecommunication and cellular towers may be authorized by special permit from the Planning Board, subject to the provisions of §§ 250-5.3A(3) and 250-6.6K(1) and a determination by the Planning Board that the tower, where proposed, is compatible with the character of the Town Center, and further provided that the tower is not freestanding and does not extend beyond the highest part of an existing structure, and further provided that:~~

~~(a) The Planning Board may waive provisions of its Rules and Regulations for Telecommunication and Cellular Towers as appropriate to the character of the Town.~~

~~(b) The applicants are the Town of Lunenburg, a public utility or such other entity as may be required by statute.~~

~~§ 250-4.6 Commercial District.~~

~~A. Purpose. The purpose of the Commercial District is to provide areas for transient services, automobile oriented sales and services and commercial uses requiring large land areas.~~

~~B. Permitted uses. In a Commercial District, any of the following uses are permitted:~~

~~(1) Any use permitted, without requiring a special permit, within a Retail Commercial District.~~

~~(2) Outdoor storage and display, provided that such display is conducted in the rear and/or side yard and such storage or display is screened from view of dwellings in abutting Residence or Outlying Districts by shrubs or a fence.~~

~~(3) Parking areas or garages for the use of employees and customers of, or visitors to, a permitted use.~~

~~C. Uses permissible by special permit granted by the Board of Appeals.~~

~~(1) In a Commercial District, the Zoning Board of Appeals may authorize by special permit any of the following additional uses:~~

Comment [5]: Editor's Note: See Ch. 330, Telecommunication and Cell Tower Rules and Regulations.

- ~~(a) Any use which may be authorized by a special permit within a Retail Commercial District.~~
- ~~(b) Shopping center.~~
- ~~(c) Drive-in theater, amusement park or other open air commercial amusement; and theaters, bowling alleys and other commercial places of amusement (provided that all activity is conducted within a structure).~~
- ~~(d) Gasoline service stations, including non-automotive retail sales, commercial garage or sales room with incidental repair services for automobiles; boats, trailers, trucks, machinery, farm implements and similar equipment, provided that parking, loading and review requirements will be applied to the principal use and to each non-automotive retail sales use as separate principal uses.~~
- ~~(e) Motel or hotel.~~
- ~~(f) Medical or dental clinic.~~
- ~~(g) Consumer service establishments, such as a catering service or collection station for laundry or dry cleaning where the actual work is performed off premises or self-service laundry or similar use where the service is performed by the customer.~~
- ~~(h) Shop of a carpenter, cabinetmaker, electrician, painter, paperhanger, plumber, printer, sign painter, upholsterer or similar tradesman or artisan.~~
- ~~(i) Showroom for sale by retail or wholesale of building supplies, including plumbing, heating and ventilating equipment; and warehouse mercantile structures, provided that parking requirements shall be calculated separately for each principal use, e.g., warehouse, storage, retail sales.~~
- ~~(j) Contractors plant, material storage yard, lumber yard, warehouse or other storage or distribution use, monument sales, used car lots and any other open air sales.~~
- ~~(k) Kennel.~~
- ~~[1] A kennel license shall be issued by the Animal Control Officer subject to fees established by the Board of Selectmen.~~
- ~~[2] The license period shall be from April 1 to March 31 of the following year.~~
- ~~[3] The Animal Control Officer will inspect the premises where the applicant's kennel will be located and determine if the premises is appropriate for use and size of the proposed kennel.~~
- ~~[4] The Animal Control Officer will determine if the kennel provides adequate shelter, sanitary and humane conditions.~~
- ~~[5] The Animal Control Officer will keep detailed records of the kennel operation, will inspect the licensed kennel at least once a year and/or when a complaint is registered.~~
- ~~[6] All dogs shall be kept confined to the kennel and fenced outside runs or otherwise under suitable control.~~
- ~~[7] The kennel will have no significant adverse effect, such as excessive barking, or other conditions on the peace and quiet of the neighborhood.~~

- ~~{8}— The kennel, including outside runs, shall comply with the setbacks as provided in Article V for side and rear yards.—~~
- ~~{9}— An applicant other than the owner requires a notarized permission to apply for a license.—~~
- ~~{10} Enforcement. For the purpose of this section, irrespective of Article VIII of this bylaw, the Building Commissioner may seek the assistance of the Animal Control Officer to enforce conditions of the permit.—~~
- ~~(l)— Veterinary hospital.—~~
- ~~(m)— Accessory uses customarily incidental to a permitted use, on the same lot or a lot adjacent thereto, provided that:~~
- ~~{1}— Any open display or storage of goods, products, materials or equipment or any service or repair operation performed outside of a building does not occupy a ground area in excess of 25% of that covered by the building to which the outdoor use is accessory.—~~
- ~~(n)— Adult uses, as defined by MGL c. 40A, § 9A, provided that:~~
- ~~{1}— All buildings containing adult uses are at least 250 feet from an existing residence, school or place of worship and are at least 500 feet from an existing Residential or Outlying District boundary.—~~
- ~~{2}— All parking is in the rear of the setback line and is screened from view of abutting properties.—~~
- ~~{3}— All signs shall be approved by development plan review, and the Planning Board shall review the size, location, number, design, color and content to determine a public nuisance or be incompatible with the character of the community and, as to content, to determine only that the sign or signs are not obscene.—~~
- ~~{4}— All requirements of MGL c. 40A, § 9A are met, including that no special permit is granted to a person(s) who has been convicted of violating the provisions of MGL c. 119, § 63 or MGL c. 272, § 28.—~~
- ~~{5}— The Board of Selectmen may require that a security guard be on the premises during all or some hours of operation.—~~
- ~~(o)— Car wash, provided that:~~
- ~~{1}— The process used is for on-site recycling water or approved for sewer disposal.—~~
- ~~{2}— There is no queuing of vehicles from the street and from adjacent properties.—~~
- ~~{3}— Lighting is shielded from the street and from adjacent properties.—~~
- ~~{4}— Entrances and exits from the public way are separated.—~~
- ~~{5}— If automatic equipment is used, all washing, cleaning and waxing will be done within an enclosed structure.—~~
- ~~{6}— Outside washing, cleaning and waxing will be limited to hand-held equipment.—~~
- ~~{7}— Parking spaces for vacuum cleaners shall not exceed the number of outside bays plus the number of~~

~~vehicles that can be serviced at any one time by the automatic equipment.~~

~~[8] Outside washing, cleaning and waxing shall be limited to daytime hours.~~

~~[9] The facility shall be suitably landscaped and screened from view of abutting properties.~~

~~[10] The car wash facility shall be attended by an attendant whenever open and not be open when there was no attendant available.~~

~~(2) Spray painting is subject to the approval and regulations of the Lunenburg Fire Chief, which will become a condition of special permit.~~

~~D. Uses permissible by special permit granted by the Planning Board:~~

~~(1) Assisted living residence and continuing care retirement community, provided that, irrespective of the dimensional requirements shown on the table in § 250-4.6C(1), the dimensional requirement shall be:~~

~~(a) Minimum frontage per facility: 300 feet.~~

~~(b) Minimum front, rear and side yard setback: 100 feet.~~

~~(c) Minimum area per facility: five acres.~~

~~(d) Maximum height: 55 feet.~~

~~(e) Maximum area coverage: 35% of site.~~

~~(2) Telecommunication and cellular towers, subject to the provisions of §§ 250-5.3A(3) and 250-6.6K(1), and further provided that:~~

~~(a) The Planning Board may waive provisions of its Rules and Regulations for Telecommunication and Cellular Towers as appropriate to the character of the Town.~~

~~(b) The applicants are the Town of Lunenburg, a public utility or such other entity as may be required by statute.~~

~~E. Design standards:~~

~~(1) Purposes. The purposes of this subsection are:~~

~~(a) To assure development which is compatible with the prevailing architecture and character of the Town.~~

~~(b) To protect the environment.~~

~~(c) To enhance rather than detract from the quality and character of the Town.~~

~~(d) To preserve and enhance property values.~~

~~(2) Standards. In addition to requirements contained elsewhere in this bylaw, the following design elements shall pertain in the Commercial District, reviewed by the Board of Appeals, and, where applicable, shall be reviewed by the Planning Board in connection with development plan review~~

Comment [6]: Editor's Note: See Ch. 330, Telecommunication and Cell Tower Rules and Regulations.

~~(DPR) under § 250-8.4:~~

- ~~(a) Occupied lot area. The total area on any lot devoted to building, parking, outdoor storage and display and other paved hard surface areas may occupy up to 85% of the total lot area.~~
- ~~(b) Building location and utilities.~~
 - ~~[1] The building front shall face the street on which the lot obtains its frontage.~~
 - ~~[2] If there is more than one building on the site, the siting shall be reviewed through DPR pursuant to the procedures outlined in § 250-8.4.~~
 - ~~[3] All utilities shall be placed underground.~~
- ~~(c) Building facades, materials and roof lines shall be reviewed under the DPR to ensure consistency and compatibility with other structures.~~
- ~~(d) Flat roofs that are visible from the street level are prohibited unless an appropriate facade is included in the design.~~
- ~~(e) Roof colors and signs shall be reviewed for consistency with other uses in the district and reviewed under DPR.~~
- ~~(f) The principal building(s) shall be connected to public water and sewer where readily available and accessible.~~
- ~~(g) Lighting, signage and architectural style shall be consistent with other uses in the district and reviewed under the DPR.~~
- ~~(h) LEED (Leadership in Energy and Environmental Design). LEED certification should be encouraged to meet the best practicable level.~~
- ~~(i) Interior streets, drives, walkways and access.~~
 - ~~[1] Site access shall be a divided way (one way in and one way out) where and when appropriate as determined under DPR.~~
 - ~~[2] Surfaces shall be pervious when possible and practical, excluding the required parking areas.~~
- ~~(j) Parking and loading area.~~
 - ~~[1] Parking shall be in the rear or side of building(s) and shall not be visible from the street line when possible. Parking will be reviewed under the DPR.~~
 - ~~[2] All loading docks shall be to the rear of the building(s) and shall not be visible from the street.~~
 - ~~[3] All paved areas shall be separated from the lot line setbacks by a four foot landscaped area of indigenous materials.~~
- ~~(k) Sidewalks. Sidewalks shall be provided from the street line, when applicable, and from the parking areas to building(s).~~
- ~~(l) Screening.~~

~~{1} Screening of the site shall be by a four foot landscaped strip at the rear and side lot lines.~~

~~{2} Additional landscaping and screening may be required during the development plan review or by the permitting authority.~~

~~(m) Landscaping.~~

~~{1} There shall be a minimum of a four foot landscaped area along the street frontage and along the front and side of the principal building(s) and plantings of indigenous materials along the facades of the building(s) and between the building(s) if there is more than one principal building on site.~~

~~{2} Such landscape shall be of a type and height that does not interfere with sight lines of drivers.~~

~~{3} Natural features shall be retained to the extent possible.~~

~~{4} A landscape plan shall be provided and reviewed.~~

~~(n) Street furniture.~~

~~{1} Light fixtures shall be designed to be of a number and height that grants plentiful lighting. Such lighting shall shine downwards so as to not affect adjacent properties.~~

~~{2} Lighting must also be placed on the side and rear of the building.~~

~~{3} Outdoor tables, benches, and bicycle racks shall be of a style consistent with the principal use(s) of the site.~~

~~{4} The location, number and style of trash receptacles shall be reviewed under DPR.~~

~~§ 250-4.7 Office Park and Industrial District.~~

~~A. Purpose. The purpose of the Office Park and Industrial District is to provide suitable areas for offices, research, development, assembly and light manufacturing consistent with the level of services provided in the community and natural resources available.~~

~~B. Permitted uses.~~

~~(1) In the Industrial District, the following uses are permitted:~~

~~(a) Office buildings.~~

~~(b) Office parks.~~

~~(2) In the Industrial District, the following uses are permitted subject to a special permit granted by the Planning Board:~~

~~(a) Industrial parks, including buildings for assembling of previously manufactured parts, processing and packaging products.~~

~~(b) Research establishments, including laboratories and incidental assembly.~~

~~(c) Manufacturing.~~

~~(d) Enclosed storage.~~

~~(e) Distribution.~~

~~(f) Earth removal and landfill operations subject to the Lunenburg Earth Removal Bylaw and to all other provisions of this bylaw.~~

Comment [7]: Editor's Note: See Ch. 140, Excavations and Earth Removal.

~~(g) Parking areas or garages for the use of employees and customers of, or visitors to, a permitted use.~~

~~(h) Retail uses and services accessory to a permitted use, such as a cafeteria for employees.~~

~~(i) Telecommunication and/or cellular towers in accordance with the provisions of §§ 250-5.3A(3) and 250-6.6K(1), and further provided that:~~

~~{1} The Planning Board may waive provisions of its Rules and Regulations for Telecommunication and Cellular Towers as appropriate to the character of the Town.~~

Comment [8]: Editor's Note: See Ch. 330, Telecommunication and Cell Tower Rules and Regulations.

~~{2} The applicants are the Town of Lunenburg, a public utility or such other entity as may be required by statute.~~

~~C. Conditions for use.~~

~~(1) A development plan shall be submitted in the manner as provided in § 250-8.4. To assist in its deliberations, the Planning Board may request an opinion from the Industrial Development Commission.~~

~~(2) The off street parking and loading shall comply with the Rules and Regulations of the Planning Board Governing Off Street Parking and Loading Design, Construction and Maintenance of Off Street Parking and Loading Areas.~~

~~(3) The plan shall show a buffer strip which shall be landscaped or covered with natural growth indigenous to the area:~~

~~(a) At least 50 feet where the District joins a lot used or available for residential purposes.~~

~~(b) At least 20 feet at all side and rear property lines, except as provided above.~~

~~(4) Unless otherwise approved with the development plan, accessory uses not contained in the principal building shall be provided with safe access and shall be screened from view from a public way or shall be in a structure of an architectural style compatible with the principal structure.~~

~~D. Limitations upon uses.~~

~~(1) In addition to the limitations set forth in Article V of this bylaw, all uses within an Office Park and Industrial District shall be subject to the following limitations:~~

~~(a) The gross floor area of all buildings and structures on a lot shall not exceed:~~

~~{1} Fifty percent of the total lot area of a lot used for an office park or office building.~~

~~{2} Seventy percent of the total lot area of a lot used for storage or distribution.~~

~~{3} An amount determined by the Planning Board, not to exceed 70% of the total lot area, for any other use.~~

~~(b) The total area of any lot devoted to building, parking, required leaching area, outdoor storage and display and other paved or hard surfaced areas shall not exceed:~~

~~{1} Ninety percent of the total lot area of a lot used for an office park or an office building.~~

~~{2} Seventy percent of the total lot area of a lot used for storage or distribution.~~

~~{3} An amount determined by the Planning Board, not to exceed 90%, of a lot used for any other purpose.~~

~~(2) No building shall be constructed nearer to the exterior street line of any street than 40 feet.~~

~~§ 250-4.17 Village Center District.~~

~~[Added 5-2-2015 ATM by Art. 27]~~

~~Preamble: The Lunenburg Town Center region has tremendous importance in symbolizing the unique character and heritage of Lunenburg. As residents engage with the historic buildings and streetscape of this area in the course of their routine daily business, be it school related, recreational, commercial, or even just driving through, the experience greatly reinforces a profound bond with the Town's present community and past heritage. There is an opportunity to significantly improve the quality of this already poignant civic experience and increase the number of people who will be drawn to share in it by expanding the businesses and other attractions in the area. There is also a key challenge to preserving this critical embodiment of our Town. Appropriate new uses or remedies must be found to the increasing number of underutilized buildings located about the Town center. Town planning experience and best practices, as exemplified in the state's model bylaw for Village Center Districts, demonstrates some key ingredients to sustaining and enriching this type of environment in small towns. One of these is careful stewardship through clear guidelines for development consistent with what the area means to the community. Another is encouraging a level of intensive mixed-use development, so that the critical mass of social and economic activity can be reached that will naturally provide the resources and inspiration required to maintain and organically adapt the area landmarks, buildings, and infrastructure without excessive burden on the Town's public finances.~~

~~A. Purpose.~~

~~(1) In pursuit of this opportunity and to address this challenge, the Town implements this bylaw and designates this zoning district as the Village Center District in order to encourage economic and residential growth that fits the character of the Town.~~

~~(2) The purposes of the Village Center District are to:~~

~~(a) Build upon the historic development patterns in the existing village centers to create attractive, walkable neighborhoods;~~

~~(b) Encourage adaptive reuse of abandoned, vacant or underutilized buildings or structures, where appropriate;~~

~~(c) Allow for a mix of new land uses that are appropriate to both the needs of the community and the scale of surrounding neighborhoods;~~

~~(d) Provide incentives to develop larger parcels at higher densities and in a coordinated, planned approach;~~

~~(e) Maintain a consistently high level of design quality throughout the district;~~

~~(f) Encourage the development of mixed-use buildings and campuses that are designed and constructed in a manner that is contextually sensitive to the existing structures and facilities.~~

~~B. Establishment. The Village Center District is hereby established as of 1 January 2016 and consists of the area shown as the Village Center District on the Town of Lunenburg Zoning Map on file with the Town/City Clerk and dated 2 May 2015, as may be amended from time to time by Town Meeting.~~

~~C. Definitions. As used in this section, the following terms shall have the meanings indicated:~~

~~ARTIST-SPACE~~

~~A shop for the creation and/or sale of goods made by a potter, ceramicist, silversmith, jewelry-maker, painter, photographer or other fine artist. This space may also serve as a living space for the artist, provided there is adequate separation between uses per the governing Building and Health Codes.~~

~~BANNER~~

~~A strip of cloth or other man-made fabric on which a sign is painted, silk-screened or printed. The display area shall be defined as the area of one face of the banner. The banner shall not exceed 40-square feet and shall not be displayed for more than 14 consecutive days.~~

~~BED-AND-BREAKFAST~~

~~Bed and breakfast, or bed and breakfast establishment, provided that:~~

~~(1) The dwelling is owner-occupied.~~

~~(2) The lot conforms to all dimensional requirements of the Zoning Bylaw.~~

~~(3) Parking for each room available for rent is provided in the side yard behind the setback line or in the rear yard, but not nearer than 10 feet to any property line. One parking place shall be provided for each bedroom.~~

~~(4) The outside appearance of the building is not altered from that of a residence, except to comply with the Building Code.~~

~~CIVIC USE~~

~~A land use that provides a public, cultural, or institutional benefit to the community. Specific uses may include, but shall not be limited to, government offices, religious institutions, educational institutions, and medical facilities (not including veterinary operations). For the purposes of this bylaw, civic uses shall not include open space as defined below.~~

~~MIXED USE~~

~~A combination of commercial and residential uses within a single building or lot. In the case of uses that fall under the special permit requirements of Subsection E(2), a Zoning Board of Appeals decision must be rendered on the use prior to the filing for development plan review.~~

~~MULTIPLE COMMERCIAL USE~~

~~A combination of commercial uses within a single building or lot. In the case of uses that fall under the special permit requirements of Subsection E(2), a Zoning Board of Appeals decision must be rendered on the use prior to the filing for development plan review.~~

~~OPEN SPACE~~

~~In the context of an application for a Village Center District special permit, this term denotes open areas set aside for public use as part of a coordinated site development process. Specific requirements for ownership and maintenance are provided in Subsection I and shall not include areas covered with impervious surface treatments.~~

~~PERSONAL SERVICE~~

~~An establishment engaged in the provision of services to the general public which are conducted within the structure. This includes, but is not limited to, barbers, hair salons, massage therapists, chiropractors and nail salons.~~

~~PROFESSIONAL OFFICE~~

~~An office primarily devoted to professional activities, including, but not limited to, banks, real estate, insurance or other agency offices; an office of an accountant, physician, teacher, dentist, engineer, lawyer, homebuilder, photographer, or other recognized professional for which specific training and/or licensing is required. Drive-through service shall be limited to banks and shall require a special permit.~~

~~RESTAURANT~~

~~A place serving food and beverage within a structure or patio, primarily for consumption on the premises. Drive-through windows shall be prohibited for this use.~~

~~RETAIL~~

~~An establishment engaged in displaying and selling goods or merchandise within a building to the general public or to business establishments where the goods or merchandise are not intended for resale. There shall be no outdoor display of goods without the granting of a special permit from the Board of Appeals.~~

~~TRANSPARENCY~~

~~The amount of transparent space that occupies a building facade, including standard street-level windows and doorway windows.~~

~~D. Authority. The Planning Board shall act as the administering authority for any site plan approval procedure associated with this bylaw. The Board of Appeals shall serve as the special permit-granting authority for any use that requires a special permit in the district, any use requiring a special permit pursuant to Subsection E.~~

~~E. Use provisions. [Amended 8-22-2016 STM by Art. 8]~~

~~(1) The following uses are allowed by right, subject to any development plan review requirements listed in § 250-8.4 and all applicable density and design provisions listed in this bylaw:~~

~~(a) Retail, with a maximum 5,000 square feet of floor area.~~

~~(b) Professional office space.~~

~~(c) Personal service.~~

~~(d) Artist space.~~

- ~~(e) Restaurant.~~
- ~~(f) Bed and breakfast.~~
- ~~(g) Mixed use containing less than 5,000 square feet per individual proposed use.~~
- ~~(h) Multiple commercial use containing less than 5,000 square feet per individual proposed use.~~
- ~~(i) Civic uses.~~
- ~~(2) The following uses are allowed only through the granting of a special permit by the Board of Appeals pursuant to the procedures outlined in § 250-8.3:~~
 - ~~(a) Single and two family homes.~~
 - ~~(b) Multifamily homes.~~
 - ~~(c) Apartment complexes.~~
 - ~~(d) Movie house/theater (maximum of two screens).~~
 - ~~(e) Liquor stores.~~
 - ~~(f) Outdoor markets, subject to applicable licensing requirements.~~
 - ~~(g) Private club.~~
 - ~~(h) Drive through use for banks.~~
 - ~~(i) Retail use greater than 5,000 square feet.~~
 - ~~(j) Uses allowed by right with a floor area greater than 5,000 square feet included in a multiple commercial use or mixed use development.~~
- ~~(3) The following uses are prohibited in the Village Center District:~~
 - ~~(a) Newly constructed one story buildings on lots of less than five acres.~~
 - ~~(b) Retail operations with more than 5,000 square feet of gross floor area on any individual floor, except for reuse of buildings existing prior to 1 May 2015, with footprints greater than 5,000 square feet.~~
 - ~~(c) Drive through establishments, excluding those expressly allowed by special permit.~~
- ~~F. Dimensional requirements.~~
 - ~~(1) Requirements.~~

Building Type

Mixed Use with Commercial First Floor	Other Mixed Use or Residential Only
--	--

	Building Type	
	Mixed Use with Commercial First Floor	Other Mixed Use or Residential Only
Maximum floor area ratio (FAR) (gross floor area/lot size)	2.0	1.5
Minimum lot frontage	75 feet	
Maximum lot coverage	85%	
Minimum lot area	N/A	
Number of buildings per lot	See Subsection I	
Maximum building frontage	300 feet	
Minimum front setback	5 feet	
Maximum front setback w/o street furniture	15 feet	
Minimum side/rear setback abutting a residential zone	10 feet	
Minimum side/rear setback in VCD	5 feet	
Interior setback (between buildings on the same lot)	10 feet	

~~(2) Height limitations for nonresidential and mixed use. Building height for mixed use or nonresidential use shall not exceed 38 feet and no building shall have more than three stories.~~

~~G. Parking requirements:~~

Use	Parking Requirement
Retail/personal service/liquor store	1 parking space per 400 square feet of net floor area, plus 1 space per employee on the largest shift
Professional office/civic uses	1 parking space per 300 square feet of net floor area
Artists space	1 parking space per 400 square feet of net retail/gallery floor area, plus 2 parking spaces

Use	Parking Requirement
	per dwelling unit
Restaurant/private club	1 parking space per 4 seats, plus 1 space for each employee on the largest shift
Bed and breakfast	1 parking space per accommodation room, plus 2 parking spaces for the primary residence, plus 1 space per nonresident employee on the largest shift
Mixed-use/multiple commercial	Parking to be provided per the individual uses
All residential uses	2 parking spaces per dwelling unit
Movie house	1 parking space per 4 occupants, plus 1 parking space per 2 employees on the largest shift
Outdoor market	1 parking space per 500 square feet of sales space
(1) As part of a development plan approval or special permit process within this district, the applicant may request reductions to minimum requirements or alternative methods for meeting the required parking.	
(2) Available innovative parking strategies include:	
(a) Shared on-site parking.	
{1} Noncompeting uses. In mixed-use developments, applicants may propose a reduction in parking requirements based on an analysis of peak demands for noncompeting uses. Up to 50% of the requirements for the predominant use may be waived by the Planning Board or the Board of Appeals if the applicant can demonstrate that the peak demands for two uses do not overlap. An additional 25% may be waived with the addition of bicycle parking facilities.	
(b) Off-site parking. Separate from, or in conjunction with, shared parking provisions, an applicant may use off-site parking to satisfy its parking requirements in accordance with the following conditions:	
{1} Off-site parking shall be within 1,000 feet of the property for which it is being requested.	
{2} Off-site parking spaces provided by a separate private property owner shall be subject to a legally binding agreement that will be presented to the permit granting authority as a condition of either the development plan review or the special permit. Where an agreement shall expire within a specified time line, the applicant or current property owner shall continue to provide evidence to the Building Commissioner that the agreement has been extended. The permit granting authority will verify with the Building Commissioner that there are no existing parking agreements during the permitting process.	
H. Design standards. The design standards in this section shall be applied to development within the Village Center District where applicable.	

~~(1) Occupied lot area.~~

- ~~(a) The total lot devoted to building, parking, outdoor storage and display and other impervious surfaces may occupy up to 85% of the total lot area.~~

~~(2) Buildings.~~

- ~~(a) All buildings shall have a principal facade and entry (with operable doors) facing a street or open space. Buildings may have more than one principal facade and/or entry.~~
- ~~(b) Building finish materials shall be appropriate to traditional New England architecture and may include, but shall not be limited to, brick or high quality brick face, wood, stone or high quality stone face.~~
- ~~(c) Building facades, materials and roof lines shall be reviewed under the permit granting authority to ensure consistency and compatibility with other structures.~~
- ~~(d) Blank walls adjacent to streets, alleys or open spaces shall not be permitted. Where windows are not possible or appropriate to the intended use, vertical articulation in the form of raised or recessed surfaces shall be used to break up blank walls.~~
- ~~(e) New retail buildings shall have one of the following features along the front entrances to pedestrians: awning, marquee, arcade and/or colonnade.~~
- ~~(f) Flat roofs that are visible from the street are prohibited unless an appropriate facade is included in the design.~~
- ~~(g) Larger buildings with multiple nonresidential tenants on the first floor shall articulate the facade in a manner that distinguishes the location of these tenants through the use of decorative raised or depressed vertical surfaces, variations of acceptable signage, awnings, marquees, colonnades or arcades.~~
- ~~(h) Mixed use buildings shall have no more than 25% of the first floor dedicated to residential use. Conversion or partial conversion of residential uses existing before 1 May 2015 are exempt from this provision.~~
- ~~(i) All new utility service connections shall be placed underground.~~
- ~~(j) Lighting, signage and architectural style shall be consistent with other uses in the district and reviewed under the permit granting authority.~~

~~(3) Signs.~~

- ~~(a) Primary signs shall be flat against the facade, or mounted projecting from the facade.~~
- ~~(b) Signs that project from buildings shall have at least 10 feet of clearance from the ground level.~~
- ~~(c) Signs shall be externally lit from the front; lighting shall be provided using a gooseneck fixture. Back lighting of signs shall not be used.~~
- ~~(d) Neon, flashing signs, moving signs, electric message signs, and roof signs shall not be used, except for barber poles.~~

- ~~(e) Banners with a specific date of expiration shall be allowed, after approval by the Building Commissioner.~~
- ~~(f) Signs shall be made of attractive materials consistent with the character of the district. Materials may include wood (painted or natural), stone, copper, brass, galvanized steel, painted canvas or paint/engraved on facade surface.~~
- ~~(g) Signs may only be incorporated into the skirt of awnings and not on the primary angled surface.~~
- ~~(h) Each building facade facing a street or parking area is permitted to have signs that equal a maximum square footage of 5% of the respective facade.~~
- ~~(i) A building with multiple businesses shall have signs of equal size on the facade; signs shall be either rectangular or oval shaped.~~
- ~~(j) Freestanding signs other than portable and temporary signs should be consistent with other uses in the district and require a special permit from the special permit granting authority.~~
- ~~(k) Sandwich board signs, flags and other portable signs are permitted only within the property lines, as long as they are properly weighted.~~
- ~~(l) Window signs, comprising no more than 10% of the transparent surface, shall be allowed. Window signs shall not be lighted or animated in any manner, with the exception of the standard lighting fixtures within the building.~~
- ~~(4) Site design.~~
 - ~~(a) Interior streets, drives, walkways and access.~~
 - ~~[1] Site access shall be a single divided way (one way in and one way out) where and when appropriate as determined by the permit granting authority.~~
 - ~~[2] Surfaces shall be pervious when possible and practical.~~
 - ~~[3] Street level frontage shall be devoted to entrances, shop windows or other displays.~~
 - ~~[4] Primary entrances to proposed and existing buildings shall be situated on pedestrian amenities (e.g., sidewalks, plazas or open space) with a minimum width of 10 feet.~~
 - ~~[5] Setbacks shall be consistent with the fabric of the existing street and do not preclude pedestrian access.~~
 - ~~(b) Parking and loading area.~~
 - ~~[1] Parking shall be in the rear or side of the building(s) and shall not be visible from the street line when possible. Parking will be reviewed by the permit granting authority.~~
 - ~~[2] All loading docks shall be to the rear of the building(s) and shall not be visible from the street. Adequate access for loading and emergency vehicles shall be maintained on one side of the building.~~
- ~~(c) Sidewalks.~~
 - ~~[1] Sidewalks shall be provided from the street line, when applicable, and from the parking areas to the~~

~~building(s).~~

~~(d) Landscaping.~~

- ~~[1] There shall be a minimum of a four foot landscaped area along the street frontage and along the front and side of the principal building(s) and plantings of indigenous materials along the facades of the building(s) and between the building(s) if there is more than one principal building on site.~~
- ~~[2] Additional landscaping and screening may be required during the development plan review or by the permitting authority.~~
- ~~[3] Such landscape shall be of a type and height that does not interfere with sight lines of drivers.~~
- ~~[4] Natural features shall be retained to the extent possible.~~
- ~~[5] A landscape plan shall be provided and reviewed.~~
- ~~[6] Where residential neighborhoods abut commercial, office or mixed use developments, appropriate transitional features shall be used and may include landscaping, open space or parks, or streets with clearly designed pedestrian features.~~

~~(e) Street furniture.~~

- ~~[1] Light fixtures shall be designed to be of number and height that grants plentiful lighting. Such lighting shall shine downwards so as to not affect adjacent properties and be dark sky compliant.~~
- ~~[2] Lighting must also be placed on the side and rear of the building.~~
- ~~[3] A lighting plan may be required if the permit granting authority deems the project is of such a scale that the impacts to the neighborhood are adverse; such plan will show where all light fixtures are being proposed within the site, as well as a narrative as to the type of light and height of all fixtures.~~
- ~~[4] Outdoor tables, benches, and bicycle racks shall be of a style consistent with the principal use(s) of the site.~~
- ~~[5] The location, number and style of exterior trash receptacles shall be reviewed under permit granting authority.~~
- ~~I. Village Center District campus developments. Developments that contain multiple buildings and uses on a single lot are encouraged as long as they are sensitive to the context of the surrounding area and meet the purposes outlined above. These developments are subject to the provisions of § 250-8.4, Site plan approval, of the Protective Bylaw as well as the additional design guidelines outlined in Subsection II of this bylaw and below.~~
- ~~(1) Additional design standards. In addition to those design standards listed in Subsection II of this bylaw, applications for a Village Center District campus shall also meet the following standards:~~

~~(a) Buildings.~~

- ~~[1] Newly constructed building facades for nonresidential first floor uses shall have a transparency of at least 20% and no more than 60% for all facades that, wholly or partially, address street frontage, sidewalks, or other public space.~~

~~[2] Buildings in Village Center District campus developments shall meet the following criteria:~~

~~[a] No more than 10% of the first floor of newly constructed buildings shall be occupied by residential use.~~

~~[b] No more than 60% of the total gross floor area of the development shall be occupied by residential use.~~

~~(b) Signs.~~

~~[1] Freestanding directory signs may be permitted as part of a Village Center District campus application where several nonresidential operations are accessed through a common vehicular entrance. Such freestanding signs shall not exceed eight feet in height, six feet in width and each tenant shall be allowed a maximum of 4.5 square feet to display the company or agency name.~~

~~(c) Site design.~~

~~[1] Buildings shall be arranged in a manner that optimizes the ability of residents and consumers to access public spaces and pedestrian amenities.~~

~~[2] Buildings shall be oriented toward each other in a way that minimizes conflicts between pedestrians and automobiles.~~

~~[3] Open space provided pursuant to Subsection I(2) of this bylaw shall be designed as a public-gathering place. Arcades, courtyards, parks, greens or other common areas shall be located in a manner that connects buildings to each other and to public sidewalks without interruption from parking areas or automobile travel lanes to the greatest practicable extent.~~

~~[4] Features that may be used to create open space areas acceptable to the Planning Board or the Board of Appeals may include, without limitation, fixed benches, fixed tables, fountains, pathways, bikeways, bicycle racks, period lighting, shade trees, perennial gardens, picnic areas, and/or trash receptacles.~~

~~(2) Open space ownership and maintenance. As a condition of a special permit, the Board of Appeals shall require an applicant to document ownership of open space within the proposed development and to provide a detailed maintenance schedule to ensure the long term care of open space areas.~~

~~J. Severability. If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby.~~